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Addressing Hate Crime in Ontario

Final Report of the Hate Crimes Community Working Group

Strategy, Recommendations & Priorities for Action

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2007-00837

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Final Report of the Hate Crimes Community Working Group
to the
Attorney General
and the
Minister of Community Safety and Correctional Services

Strategy
Recommendations
Priorities for Action

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letter to ministers

The Honourable Michael Bryant
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The Honourable Monte Kwinter
Minister of Community Safety
and Correctional Services
25 Grosvenor Street, 18th Floor
Toronto, ON
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Dear Ministers:

The Hate Crimes Community Working Group has completed its deliberations. We are pleased to present our report recommending an overall strategy with measures to detect, reduce and redress hate crime, and to address more effectively the needs and interests of individuals and communities that experience, or are vulnerable to, hate crime in Ontario.

The report provides the best advice that we are able to give on these and related issues in the time and under the circumstances available. We know that, while we heard from as many different communities as time allowed, there are many others that experience hate crime and hate incidents today in Ontario who did not, or could not, come forward. The Working Group trusts that this report honours the presence and voice of all Ontario's communities.

The most important messages in our report are that not only are members of vulnerable communities across Ontario victimized by hate crime extensively and differently, thereby requiring enhanced victim services, but that hate crime occurs within a historical and social context of systemic bias and prejudice such that, over time, incidents of hate and hate crime appear permissible. A critical feature of the recommended overall strategy is the horizontal implementation approach.

Led by the Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services, implementation will include the Ministry of Education, the Ministry of Training, Colleges and Universities, the Ontario Human Rights Commission and the Office for Victims of Crime. Extending to the broader public sector, it will involve school boards and police services boards across the province. Throughout the report, the Working Group has stressed the essential role that Ontario's diverse communities must play in creating and implementing this overall strategy against hate. Finally, to ensure effective oversight, accountability and transparency of the overall strategy's implementation, we have recommended the establishment of the Hate Crimes Governance Committee.

We have made every effort to develop recommendations that the Ontario government, its agencies and the broader public sector will want, and be able, to implement. This report provides the recommended strategy and action plan. A companion document provides the background, literature review, our community and stakeholder engagement initiatives, resource materials used, an extensive bibliography, and a guide to community groups and agencies involved in providing services and support for victims of hate incidents and hate crime. It should serve as an ongoing resource to government, law enforcement and the community alike in the fight against hate.

Hate crime, and hate activity generally, are phenomena that will continue to deserve and require your urgent attention. Members of the Working Group have worked collaboratively to arrive at consensus on priorities and recommendations that will lead to systemic change. We sincerely hope that you will use this report as a blueprint for addressing hate crime and hate crime victimization in the province. We are grateful for the opportunity to contribute meaningfully to this exceptionally important initiative.

Respectfully submitted,

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Karen R. Mock, Chair

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preface

In the wake of an unprecedented rise in hate crimes in Ontario in recent years, Attorney General Michael Bryant and Community Safety and Corrections Minister Monte Kwinter appointed the Hate Crimes Community Working Group to advise the government on an overall strategy to address individual and community-based victimization and related issues arising from hate crime. The Working Group was also tasked with the responsibility of recommending ways to improve services for victims of hate crime and to prevent further victimization. We are honoured to have been given this opportunity to contribute to this very important area of concern to the Government of Ontario and of relevance to all Ontarians.

The membership of the Working Group reflected much of the diversity of Ontario's population and a wide variety of personal and professional experience. It is hardly surprising that the discussions within a group so composed would often feature differences of opinion or approach, differences that sometimes seemed more intense because of a shared sense of urgency about combating hate crime and the attitudes and circumstances that contribute to it. I am grateful to the members of the Working Group for their outstanding commitment, dedication and expertise, as well as for their collegiality and support, as together we have sought inclusive community and stakeholder input and worked our way through the issues surrounding hate crime and hate activity in order to arrive at consensus.

We gratefully acknowledge the advice and presentations we received from members of different communities, government officials, police service representatives, educators, academics, lawyers and, especially representatives throughout the province from the Aboriginal, racialized, religious, and other communities most vulnerable to hate activity today. While we recognize that there are some voices we did not hear, we were dedicated to hearing the voices of victimized communities and bringing forth their experience into a deserved central focus. We know that the expert contribution of all participants in the process assisted us in defining priorities for our work towards enhanced victim services and a more effective justice system response to hate and hate crime in Ontario.

We are especially grateful for the support we received from staff of the Ontario Victim Services Secretariat of the Ministry of the Attorney General, under the leadership of Irwin Glasberg and the management of Venier-WingSang Wong and Elizabeth Price. Thank you also to James Truman, Parminder Brar, Gabrielle Hezekiah, David Lampert, Daniel Naymark and Suzanne Dias for their valuable assistance, to Anna Deane of the Ministry of Community Safety and Correctional Services, and to consultants Charles Smith, Maureen Brown, Dominique Dennery, and Chandra Budhu for the research they facilitated. We are grateful to Elizabeth Price, Kerry Wilkins, and Chandra Budhu for the significant roles they played in the preparation of the final draft of the report, and to Marika Bishop for her generous contribution to the design and layout.

As Chair of the Working Group, I especially want to thank all the members (who are listed in Appendix A of this report) for the considerable volunteer time and energy they have diverted from their lives and professions to attend our regional consultations with community groups and our focus and discussion groups with experts and professionals, to conduct interviews of hate crime victims themselves, to read the substantial quantity of material our process generated, and to participate actively in our extensive and often challenging deliberations. We all now have a better understanding of hate activity and its differential impact on victims from a variety of viewpoints, and a stronger commitment to addressing and opposing all forms of hate, because of the efforts we have made as a group on behalf of victims of hate and hate crimes in Ontario.

Karen R. Mock
Chair, Hate Crimes Community Working Group

Hate

[hatred] - Emotion of an intense and extreme nature that is clearly associated with vilification and detestation. Hatred against identifiable groups thrives on insensitivity, bigotry and destruction of both the target group and of the values of our society. Hatred is an emotion that, if exercised against members of an identifiable group, implies that those individuals are to be despised, scorned, denied respect and made subject to ill treatment on the basis of group affiliation. *Supreme Court of Canada - R. v. Keegstra.*

executive summary

In December 2005, the Attorney General and Minister of Community Safety and Correctional Services appointed the Hate Crimes Community Working Group (the "Working Group"), consisting of 10 members with expertise in countering and preventing hate crime, and a strong understanding of current services for victims of hate crime and hate incidents. The Working Group's mandate was to advise the government on an overall strategy to address individual and community-based victimization, and related issues arising from hate crimes. In addition, the Working Group was asked to make related recommendations on how the Government might address the unique scope and impact of community-based hate crimes. In light of the rising level of hate crime and hate incidents in Ontario, the Working Group has concluded that hate, and the needs of those who are impacted by it, must be given the highest priority by the Ontario Government.

To supplement its own expertise, the Working Group commissioned a literature review and sought information on initiatives and practices in other jurisdictions. The Working Group also held regional community meetings, distributed an electronic questionnaire to stakeholders, and conducted several focus groups and discussion sessions with a variety of community organizations and individuals. Several victims were interviewed to add further insight into the victim impact of hate crimes. The Working Group also met with key Ontario government staff, members of police services, academics, leaders of institutions and agencies, and community-based lawyers with experience in this area. It is important to stress that the Working Group heard from hate crime victims and representatives of Aboriginal, racialized, religious, Lesbian/Gay/Bisexual/Transgendered/(Two-Spirited)/Intersexed (LGBTI) and other marginalized communities in Ontario who are most susceptible to the victimization that results from hatred or prejudice. The above research, conducted from January to July, 2006, resulted in input from over 600 community members and stakeholders.

This Report of the Hate Crimes Community Working Group, entitled *Strategy, Recommendations and Priorities for Action*, presents a blueprint for expanding and enhancing services to victims of hate crimes and hate incidents, as well as priorities for preventing hate crime victimization. A supplementary volume to the Report, entitled *Background Documentation and Resources*, contains an overview of data (from the research tools described above), along with a list of community-based organizations and resources. It is intended as a tool for government, police and victim service providers.

Vision and Guiding Principles

The Working Group's proposed strategy is designed to achieve its vision of a **province that is proactive, inclusive, innovative and effective in its response to hate crimes and hate incidents and in its support for victims of hate**. For this reason, the focus of this strategy must go beyond the limited number of hate crime offences captured in the *Criminal Code*. The Working Group understands that hate crime and related hate incidents result from attitudes and practices of prejudice and marginalization that have deep roots in Canadian history. These attitudes and practices persist today, often with the acquiescence of society and governments. The experience of Aboriginal peoples in Canada provides a disturbing example of the effects of historically based bigotry. Aboriginal history shows that when such prejudicial attitudes are left unattended, they inevitably serve to create and excuse pervasive hate incidents and even hate crime.

Early in their deliberations the Working Group identified nine guiding principles that must inform the overall strategy in addressing hate crime and hate incidents:

- it must be **victim-centred**, attentive to the victims' perspective;
- it must have a **systemic focus**, identifying individual acts of hate and the structures, attitudes and arrangements that facilitate and excuse them;
- it must **acknowledge and accommodate difference**, recognizing that different vulnerable communities experience and react differently to similar hate incidents and have different financial and organizational capacity to support victimized members;
- it must focus on **all sectors** that affect the lives of vulnerable communities, not just the justice system;
- it must **proceed holistically**, linking, integrating and harmonizing the contributions of the justice, human rights, education, health and social services sectors;
- it must **identify problems** and **specify measurable outcomes** that will constitute their solution;
- it must build on sound, trustworthy **evidence and research**, being attentive to community and institutional experience, promising practices that are used elsewhere, victims' voices and cultural and traditional knowledge;
- it must **ensure sustainable long-term commitment** recognizing the importance of permanent, reliable community service structures, and institutional memory; and
- it must be continually **transparent and accountable**, ensuring ongoing, effective oversight and evaluation mechanisms.

Themes and Recommendations

On the basis of the extensive research, outreach efforts to key stakeholders, and input of victimized individuals and communities, the Working Group identified eight thematic areas in need of specific attention and recommendations:

1. **Definitions.** The Working Group recommends adopting standard definitions of "hate incident" and "hate crime", which will be used province wide. A common definition and shared understanding of these phenomena and their context will ensure that there is a consistent standard against which to measure responses and services to victims of hate activity. The Working Group's proposed definition of "hate crime" broadens, in modest but important ways, definitions already in use by the Canadian Centre for Justice Statistics, Ontario's *Policing Standards Manual* and the sentencing provisions of the *Criminal Code*. Adoption of the proposed definitions, together with the recommendations that urge mandatory, standardized statistical records of hate crimes and incidents, will create, for the first time, a trustworthy baseline against which to gauge trends in reported hate crimes and incidents across the province. This is an important first step in any effort to measure the effectiveness of hate crime reduction measures.

2. **Aboriginal Peoples.** From the outset, the Working Group recognized and stressed the unique position of Aboriginal Peoples in Canada. Therefore, it recommends a dedicated strategy, designed with the cooperation and collaboration of Aboriginal groups, to address their specific circumstances. The position of Aboriginal peoples in Canada and Ontario is unique historically, constitutionally, culturally and sociologically. The recommended strategy must address the predicament of Aboriginal peoples, respect and pay special attention to their special constitutional rights, their forms of internal order and authority, and their traditional sense of autonomy.

3. **Communities.** The Working Group's strategy aims to: facilitate cooperation among community groups to deal with and prevent hate crimes and incidents; incorporate vulnerable communities into the standard procedures through which governments and the justice system deal with hate-related matters; and make certain that such communities have sufficient resources to enable and sustain their ongoing participation. A successful strategy for reducing and effectively responding to hate incidents will require active participation from those communities most susceptible to such incidents. Government officials and front-line workers will continue to have much to learn from the experience, expertise and perspectives within these communities; equally important, these communities will continue to have much to learn from each other.

4. **Education and Training.** No long-term hate-crime reduction strategy can succeed without a substantial educational component. All service providers (police officers, Crown prosecutors, front-line victim services workers, correctional officers and supervisors) must be trained to appreciate the special impact of hate incidents on victims and their communities, and to understand the specific services and supports each victimized community requires. The public education system must dissolve systemic barriers that condone discrimination; students must come to understand, recognize and reject all manifestations of hate and learn how to prevent and respond to hate incidents in schools. The Working Group's strategy addresses each of these imperatives. The role of the education system - elementary, secondary and post-secondary - is essential, as is the effective education and training of all professionals involved in investigating and prosecuting hate crimes and/or providing victim services.

5. **Victim Services.** The Working Group recommends that the services available to victims of hate crime and hate incidents (particularly victims from vulnerable communities) must be substantially enhanced and expanded to address

community-specific needs. The Working Group urges: broadening the eligibility requirements of various victim services to increase access; expanding the range of integrated services provided to hate crime victims; coordinating new and existing victim services; simplifying the process for community grant applications; ensuring service provision to individual victims with special needs or in remote locations; and tailoring victim services to address the unique situations of different susceptible communities. The victim services provided by front line community-based and community-driven agencies must be recognized and supported.

6. **Justice System.** Regardless of the legal distinction made between hate crime and hate incidents, all victims deserve and require effective and accessible administrative and civil remedies. The Working Group's recommendations address a wide range of concerns arising from within the justice system: consideration of *Criminal Code* amendments that more effectively and consistently take hate motivation into account; mandated standards for identifying and recording hate-motivated criminal occurrences; consistent minimum policing standards and ongoing police training requirements for dealing with and investigating reported hate crime; strengthened procedures for dealing with public complaints about police, especially those involving allegations of discrimination; increased efforts to eliminate racism in Ontario's correctional institutions; amendments to Bill 107 (*Human Rights Code Amendment Act, 2006*) to ensure the Ontario Human Rights Commission more effectively achieves its stated objectives; amendments to the *Victims' Bill of Rights* and the criminal injuries compensation scheme to ensure that both are of greater use to all victims of hate crime; measures to ensure affordable access to the courts for hate incident victims who choose to bring civil suits; and special measures, including a reinvigorated Aboriginal Justice Strategy, to address particular needs of Aboriginal peoples within the justice system, including recognizing and responding to hate crimes and hate incidents.

7. **Public Awareness and Social Marketing.** The Working Group believes that a primary goal of its strategy must be to transform the awareness and attitudes of the general public with regards to hate crimes and hate incidents. The social marketing task has two objectives: to ensure that there is widespread awareness about individual legal rights, and the remedies and services available to victims; and, more broadly, to make prejudice and hate behaviour socially unacceptable. The Working Group recommends creating a pivotal role for the Ontario Human Rights Commission, in cooperation with vulnerable communities and with the full support of the provincial government, to implement both objectives. The Commission's mandate must address concerns about media coverage of hate incidents and of marginalized communities.

8. **Implementation and Accountability.** To ensure the effectiveness of the proposed strategy, there must be a commitment to timely implementation, including measurable outcomes and mechanisms for accountability. The Working Group therefore recommends the creation of three distinct but related bodies to ensure effective implementation of the recommendations in this report, and the provision of sufficient and sustainable funding to support the work:

- an **Interministerial Committee**, comprising high-level representatives from key ministries and from the Ontario Human Rights Commission and the Office of Victims of Crime, to coordinate, with the assistance of staff, the phased implementation of the Working Group's strategy;

- an arm's length **Hate Crimes Governance Committee** comprised of representatives from vulnerable and victimized communities and from the broader private sector with demonstrated experience and expertise in working with these communities, and with expertise in hate issues and in justice and education matters. It will include key government officials and will perform several related functions, including monitoring and evaluating implementation of this report, advising the government, on an ongoing basis, about hate-related law reform proposals, grants from the Victims' Justice Fund, and facilitating the creation and effective operation of:
- a **Community Hate Crimes Network**, comprised only of representatives of community groups. This Network, which will be community-based and community-driven, will coordinate and integrate community-based responses to hate activity, manage public awareness and information efforts, and have meaningful input to, and involvement with, the Interministerial Committee and the Hate Crimes Governance Committee described above.

Priorities for Action

The Hate Crimes Community Working Group recommends that the Government give immediate priority to:

- ensure that sufficient funding is in place to support the initiatives recommended in this strategy;
- allocate the $1.35 million in earmarked Victims' Justice Fund monies to the Hate Crimes Governance Committee for use as transfer payment funds to support appropriate community-based services for hate crime victims;
- charge the Office for Victims of Crime (OVC) with interim responsibility for coordinating implementation of this strategy (pending establishment of the Interministerial Committee), and enhancing the capacity of the OVC for this purpose, and on an ongoing basis, to ensure the OVC membership includes community hate crimes expertise;
- amend the Victim/Witness Assistance Programs Policies and Procedures Manual to specify that all hate crime victims, even victims of property crimes, qualify as priority clients;
- create the Interministerial Committee and the Hate Crimes Governance Committee, with protocols for cooperation and consultation between them;
- allocate sufficient funds over two years to creating, staffing and beginning the work of the Hate Crimes Governance Committee;
- make best efforts to ensure that only personal characteristics that attract the protection of Section 15 of the *Charter of Rights* qualify as "similar factors" when courts, pursuant to Section 718.2(a)(i) of the *Criminal Code*, increase offenders' sentences on account of hate motivation;

- increase efforts to address and eliminate systemic racism in the Ontario correctional service and in provincial correctional institutions; and
- reaffirm publicly the Government's commitment to, and vision for, the Aboriginal Justice Strategy.

For a complete summary of all recommendations followed by the 4-phased Implementation Plan, please see page 71.

"When I tell the story, everyone says that I should have reported it. But to who? What effect would it have had? I just wanted to forget about it...I didn't know the right person to go to. The police are overworked and don't have time – I didn't think it was a 'heinous crime'. And what if I got the wrong police constable? I don't want to add to my pain and victimization. I'd rather put up with it. I'd rather protect myself. And I don't want to risk having it be trivialized."

African Canadian Woman, Victim of racist graffiti, Toronto

"I am almost less angry at the individuals who committed these acts , because they are ignorant and will never change because of what they have been taught in their lives. I am angrier and more frustrated with the police and the witnesses who could have helped, but did not."

South Asian Male, Victim of racial harassment and assault, Toronto

introduction

There was a steady rise in hate crimes and hate incidents in the 1990's, and an unprecedented increase immediately following September 11, 2001. In the wake of a documented 93% increase in the number of hate crimes in Ontario in the past decade, the Government promised support for dedicated hate crime police units across the province and strong victims' rights legislation to ensure victims have access to information and services.

In May 2005, the Attorney General and the Minister of Community Safety and Correctional Services announced their intention to establish a Hate Crimes Community Working Group, whose function would be to advise the government on sensible ways of preventing, reducing and redressing hate crime and of meeting the needs of hate crime victims.

Last December, following a public nominations process, the Ministers announced the names of the Working Group's chair and members (see Appendix A) and the Working Group's formal terms of reference (Appendix B). The Working Group began meeting in January 2006. Our members committed to building on their own knowledge, extensive previous work on the topic, the lived experience of members of victimized communities, and the expertise of academics, lawyers, service providers, law enforcement and government officials involved in the field. We undertook six months of intensive deliberations, a literature review, community and stakeholder engagement through presentations, community meetings and focus groups (see Appendix C for the list of Participants and Contributors).

This Report presents the **Strategy, Recommendations and Priorities for Action**, setting out the essence of the Working Group's conclusions. The **Background and Resources** document (see Appendix D for Table of Contents) is intended as a companion piece to the report. It sets out in greater detail the results of our research, including a literature review and a more in-depth presentation of the empirical findings that led to the development of the proposed strategy and recommendations. The resource document also provides a compendium of existing community-based and government victim services, a bibliography of resources, and an overview of promising local, national and international initiatives that can serve as models for the development of more effective support mechanisms for victims, as well as preventive measures to reduce hate and hate crime.

We have attempted to do justice both to the voices of victims and the many people who are passionately committed to addressing hate and hate crime in Ontario. The members of the Working Group look forward to the government's prompt acceptance and implementation of this report.

vision, scope and principles

Our Vision and Expectation

The Hate Crimes Community Working Group believes that implementing this strategy and action plan will create a **province that is proactive, inclusive, innovative and effective in its response to hate crimes and hate incidents and in its support for victims of hate.** We envisage strong partnerships and trusting relationships among and between government agencies and vulnerable communities which will be committed to the public campaign against hate crime and hate incidents. The Working Group expects that those who are responsible for implementing this strategy will be led and supported by the Ontario Government. They will include several government ministries, the broader public sector, the non-profit sector, organizations and groups, and corporations and businesses in the private sector.

Scope of the Strategy

Based on the extensive experience of its members, the Working Group came to an early decision that the scope of the strategy must include not only hate crimes (*Criminal Code* offences) but also hate incidents. These include human rights violations and other acts of bigotry and discrimination that contribute to the environment in which hate crimes are committed. On the basis of recent data and expressed community needs, we agreed to focus the strategy on individuals, groups and communities within the main victimized groups. These are Aboriginal peoples and those targeted because of race, religion, ethnicity, ancestry and sexual orientation, with attention paid to the intersections with gender and disability.

Hate and hate crimes may be perpetrated by complete strangers or individuals well known to the victim within community, family or service relationships. Perpetrators may include individuals, groups, organizations, and even agents of government and other public institutions. Thus the scope of the strategy is broad, comprehensive and integrated. It will include criminal, administrative and civil remedies within the justice system, as well as preventive measures that demonstrate a commitment to victim protection for individuals, groups and communities. It will also provide sustainable long-term resources for community capacity building and to facilitate community and individual empowerment to combat hate crime and hate activity.

Guiding Principles

Throughout our deliberations, the Working Group kept in mind, at all times, our stated vision and scope as well as the following guiding principles:

> Effective response to hate and hate crime is **victim-centred**, emphasizing the victim's perspective as opposed to being system-oriented.
>
> Preventing and countering hate and hate crime requires a **systemic orientation** that addresses systemic issues giving rise to and facilitating hate activity, as well as individual acts of hate that occur within this context.
>
> Understanding the victim and community impact of hate and hate crime means acknowledging the **differential experience and impact** of hate crimes and incidents on different vulnerable groups, with particular attention to the unique circumstances and perspectives of Aboriginal Peoples.
>
> An effective strategy must be **multi-sectoral**, involving all pertinent sectors, including the justice system (both civil and criminal), human rights, education, human and social services, immigration and settlement services, and community-based services, with an emphasis on relationship building and partnerships.
>
> A **holistic approach** will maximize the likelihood of effective prevention, response and services, observing interconnections among issues, sectors and remedies (i.e. the intersection of multiple oppressions in hate crimes and incidents, as well as devising a response that seeks to improve the situation on multiple fronts simultaneously).
>
> Recommendations that take a **problem-solving approach**, with measurable outcomes, will comprise a strategy based on innovative, situation-specific and needs-driven responses and interventions.
>
> Proposals that are **evidence-based** will underpin an effective and credible strategy, building on promising practices from sound research, community and institutional experience, victims' voices and cultural knowledge.
>
> Support that is **sufficient and sustainable** is essential to ensure that programs and services are viable through long-term commitment by government and its partners, thereby enhancing programs and services on a permanent basis and increasing the likelihood of systemic change.
>
> Effective implementation of the strategy and recommendations must involve public **transparency and accountability** from all parties with responsibility for countering, responding to and preventing hate incidents and hate crime, with ongoing oversight and evaluation mechanisms that are themselves sustainable, credible and inclusive of community in a meaningful way.

The Working Group wishes to stress that our proposed strategy, recommendations and action plan reflect these guiding principles that must characterize any successful attempt at dealing with hate crime and hate incidents.

Plan of the Report

The **Background** section provides a brief overview of the literature and summary of information on existing programs and services that formed the rationale for our community and stakeholder engagement strategy.

The **Method** section describes the outreach initiatives to gather a sample of the most current and relevant data as the foundation for the Priorities for Action.

The **Summary of Findings** presents a distillation of the empirical basis for the Working Group's approach, that is, an overview of what members and staff heard, read and learned through their engagement with members of affected communities, with experts, with representatives of law enforcement agencies, and with government officials.

The **Strategy and Recommendations** section is organized into the eight thematic areas that, in the Working Group's judgment, require coordinated attention in reducing and redressing hate activity in Ontario. As a result of our findings and deliberations, the Hate Crimes Community Working Group identified eight key components of the strategy as follows:

1. Definitions
2. Aboriginal Peoples
3. Communities
4. Education and Training
5. Victim Services
6. Justice System
7. Public Awareness and Social Marketing
8. Implementation and Accountability

A **Summary of Recommendations** is included so that the proposed action plan may be viewed and implemented in a holistic, multi-disciplinary and comprehensive way, in keeping with our vision, scope and guiding principles. The strategy should not be viewed or implemented in a piecemeal manner.

Finally, the **Implementation Plan** specifies the order and timeframes within which this strategy's recommendations should be implemented, in keeping with the Working Group's mandate to provide a high-level Implementation Plan. This section outlines priorities for action to enhance current victim-based and related justice sector programming, as well as to strengthen the quality of government-funded hate crime programs and initiatives to reduce hate crime victimization.

background

Hate Crime in Canada

It has been well-documented that hate and hate crime have long been part of the Canadian experience. Marginalized groups have historically been victimized by discrimination. Early settlers promoted ideas that Aboriginal peoples were less human than the colonizers, thereby excusing the abuses they perpetrated on the First Nations, some of which continue to this day. The unchecked campaign of dehumanization was so effective as to have allowed abuses to go unpunished. Aboriginal peoples were subjugated and dispossessed of their lands and resources, enduring oppressive government policies and practices such as the removal of their children to residential schools. These were reprehensible acts grounded in the belief that Aboriginal peoples were inferior and expendable. The impact of these acts was profound. They were corrosive to Aboriginal cultures and detrimental to the health and well-being of individuals, communities and entire nations.

The legacy today is social dysfunction, ill-health and poverty in many Aboriginal communities, a unique constitutional and legal relationship with the Crown, and widespread negative stereotyping and disparagement of Aboriginal peoples. The history of colonialism and its legacy determine the character of hate and hate crime directed at Aboriginal peoples today.

In addition to the continued promotion of hatred against Aboriginal peoples, there is evidence of extensive antisemitism in the early days of Canada, perpetrated by various religious and government leaders who were associated with virulent antisemitism, from justifying pogroms to openly praising Hitler's leadership and denying safety to Jews who were fleeing Nazi persecution.

During this period, many other minority groups were also victimized by hate propaganda, most notably the Sikhs and Chinese. The horrific incident of the Komagatu Maru [when a boatload of Sikhs was denied entry to Canada even though they met the requirements of a systemically racist immigration policy, resulting in a significant number of deaths, rather than allowing the ship to dock] has left an indelible scar. And the overtly discriminatory *Chinese Head Tax and Exclusion Act*, placing undue pain and hardship uniquely on Chinese immigrants and their families who contributed significantly to the growth and development of Canada, has only this year been redressed after almost 30 years of advocacy on the part of the Chinese Canadian community. All of these historic examples, and their current legacy, illustrate the complicity of governments in perpetrating systemic racism and hate.

The history of the Lesbian/Gay/Bisexual/Transgendered (Two Spirited) Intersexed (LGBTI) Community is one of living in fear because of one's sexual orientation. In 1986, massive police raids against bathhouses in Toronto, one of few safe places for gay men at the time, galvanized the community to campaign for basic human rights. It was not until 1986 that the Ontario Legislature voted to include sexual orientation in the *Ontario Human Rights Code*.

Anti-Black racism today finds its roots in the history of slavery and oppression of African Canadians, resulting in the criminalization, racial profiling, stereotyping and marginalization of the African Canadian community. The recent experiences and needs of the Arab, Muslim and South Asian communities illustrate how close to the surface discrimination and hate really are, and how the needs of vulnerable communities can dramatically change, bringing increased pressures to those who attempt to counter hate and hate crime.

The 2001 report of the Canadian Centre for Justice Statistics (CCJS) entitled *Hate Crimes in Canada: An Overview of Issues and Data Sources*, indicates that the concept of "hate" as a "social/criminal policy concern" became apparent in the 1965 *Report to the Minister of Justice of the Special Committee on Hate Propaganda in Canada* (Cohen Committee). A common theme of these reports, and many others, was that although individual hate crimes may affect only a few victims directly, such activity creates a "climate of malice and destructiveness to the values of our society." Because of both the severe individual and community impact, hate crimes have been said to inflict "disproportionate harm" (Roberts, 1995). Over the past 40 years, Canadian history, community experience, statistical data, government reports and academic literature provide ample evidence to justify attention to hate crime specifically and hate activity in general and to the climate that gives rise to them. These are issues that deserve urgent priority.

For an overview of the Canadian literature and legislation, as well as studies and models from several international and local community sources, please consult the background documents to this report. Several main themes have emerged from these previous studies.

First, hate crimes inevitably create many secondary victims in addition to the person(s) directly affected. The victims may include family, friends, and many others who identify with the vulnerable group to which the victim belongs. Hate crimes and hate propaganda promote fear, insecurity and disunity among racialized and other minority communities, whether the crime is based on race, colour, religion, ethnicity or sexual orientation. A hate crime or incident is an attack not only against the person or property, but also, necessarily, on the victim's identity: an attack because of who the victim is, not because of what he or she may have done. Thus, the victim is doubly victimized.

Secondly, many studies have identified several problems related to data collection, including the fact that there is little consensus as to the definition of hate crime. The lack of a clear and common definition for hate crime and its related activity has continued to be a source of frustration for those engaged in hate crime research and advocacy. The public cannot be expected to mobilize against hate activity when there is no agreement about what it is. People who experience hate can hardly be expected to recognize and deal with it, when there is no generally accepted way to identify and name it.

The 2001 CCJS study cites "a paucity of data on hate crime", and the CCJS has since conducted several studies with a view to assessing the feasibility of collecting national police-reported hate crimes statistics, using a common definition and recording system. The CCJS 2004 *Pilot Survey on Hate Crime* revealed that during the study period (2001-2002), a total of 928 hate crime occurrences were reported by the 12 participating police services – including six large Ontario services. Of the 928 incidents, 57% were motivated by race or ethnicity, and 43% by religion. Sexual orientation accounted for approximately 10% of the cases. The most common type of hate crime violations included mischief or vandalism (29%), assault (25%), uttering threats (20%) and hate propaganda (13%). Fifty three percent (53%) of the race/ethnicity crimes were against a person, and approximately 67% of anti-religion hate crimes were property offences and vandalism. Threats and physical force accounted for the majority of violent crime, and those targeted as a result of their sexual orientation were more likely than others to be violently victimized.

Thirdly, the few statistics that are available on hate crimes are hindered by chronic under-reporting of these crimes by victims. As Roberts (1995) concluded, "of all forms of criminality, hate crimes are likely to be among the most unreported of offences". Indeed, several studies and reports estimate that only one in ten incidents of hate is ever reported. Similar to other crimes, fear of reprisal is a prime reason that victims do not report hate crimes. But with hate crimes, since it is the identity of the victim that is also attacked, fear of losing one's identity can generate strong feelings of fear and anxiety. Victims may also be frightened to face the offender, and they fear contact with perpetrators within the justice system.

Previous reports have also cited cultural or linguistic barriers between the victim and police and victim services. Other factors accounting for underreporting include: a fear of secondary victimization by the justice system; a fear that their victimization will not be taken seriously; and a belief that reporting an incident would not result in any action or help.

Another key issue cited by several previous reports is the difficulty in bringing hate mongers to justice. Because of the nature of the crime (vandalism, anonymous hate messages), the accused were identified in only 48% of the reported incidents in the CCJS 2001 study. Court statistics relating to *Criminal Code* offences collected by the Ministry of the Attorney General's Court Services Division revealed that in the last five-year period (from 2000), there have only been 84 charges under Sections 318, 319 and 430 (4.1) of the *Criminal Code* in Ontario, with all of them coming under Section 319 (*see* Appendix in *Background Documents*). Of these 84 charges, there were 40 charging informations; that is, some offenders were responsible for multiple charges. Historically, there have only been approximately 25 convictions since the anti-hate laws were enacted.

Ontario Hate Crime Initiatives

In addition to the creation of the Hate Crimes Community Working Group, there are several Ontario initiatives concerning hate crime and hate activity in the Province of Ontario. They are each described in more depth in the background materials that accompany this report, and include:

Policing Standards Guidelines: Section 29 of the Adequacy and Effectiveness of Police Services regulation under the *Police Services Act* (PSA) requires that police services boards have policies on investigating hate propaganda and hate or bias motivated crime. Section 12(1)(h) also requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing these investigations.

Ontario Police College (OPC): Under the *Police Services Act*, officers are required to complete an initial period of training within six months of being appointed to a police service. The OPC is responsible for administering provincial basic training to all new recruits in Ontario. The 13 topics include anti-racism, community policing, and federal and provincial statutes. There is mandatory training related to hate crimes as part of the community policing module.

Ontario Provincial Police (OPP): The OPP has a Hate Crime/Extremism Unit, mandated to conduct multi-jurisdictional strategic and intelligence operations targeting individuals or organized groups involved in hate crime activity and criminal extremism. They collect, evaluate, collate, analyze, disseminate and utilize intelligence on targeted activities; provide specialized investigative support; contribute to and maintain a data base; share information with other law enforcement and/or government agencies; and assist with the training of officers

Hate Crime/Extremism Investigative Team (HCEIT): Recently expanded to 10 services, the HCEIT is a joint forces team funded by the Ministry of Community Safety and Correctional Services, mandated to collect, evaluate and disseminate information and intelligence on targeted activities and to provide specialized investigative support for matters involving hate propaganda, the promotion of genocide, hate motivated crimes, and the diverse variants of criminal extremism. They assist with officer training and produce frontline educational materials.

While there are some police-based, court-based and community-based services that seek to provide assistance to all victims of crime, victims of hate crime require additional services, and specialized and culturally appropriate support, that takes into account their status as victims of hate-motivated crime. Victims may not have contact with, or access to, police-based services that require police referral, and may turn to others for help and support. Many victims are unaware of the services that exist to help them, or may be unable to reach services for a variety of reasons. In a study of *Victim Impact of Racially Motivated Crime* (1993 for the Ontario Commission on Racism in the Criminal Justice System), it was concluded from an investigation of six racial and religious minority communities in Toronto that "racially motivated crime inflicts a great amount of pain which crosses community boundaries and increases the isolation of minority communities."

Services to Assist Victims of Hate Crime

For further background data and resources on hate crime in Ontario, Policing Service Initiatives and Victim Services, see the accompanying materials to this report.

Victims of hate incidents often do not know where to go for help. Some may report the incident to police, while many may remain silent. Members of different ethnic or religious groups may turn to community or religious organizations that they trust. Many may feel that what they have suffered feels like hate, but are unsure, and do not know who to ask. Criminologists estimate that only 1 in 10 hate incidents are ever reported.

Different victims also have different needs: Some need crisis counselling; others fear for their safety and want protection from further harm; some want "justice" and an opportunity to tell their story in court; others want compensation; and some just want to be left alone.

The Hate Crimes Community Working Group has attempted to summarize the various victims' services, both government and community-based, that are available to assist victims of hate crimes and hate incidents.

Government-Funded Victim Services

Most victims engage the criminal justice process by reporting a hate crime to police. In some parts of Ontario, there are dedicated hate crimes units, while in other areas there are officers trained to respond to hate crimes. When a victim reports a hate crime, police investigate the incident and, based on the evidence available, may lay charges against the alleged perpetrator. In many cases, it may be difficult to prove that an offence was motivated by hate. For this reason, police may not flag an incident as a hate crime.

While some police services have their own victim support programs, such as in Hamilton and Peel, police often refer victims to government-funded victim services, such as the *Victim Crisis Assistance and Referral Services (VCARS)*, which provide victims with short-term crisis counselling and referrals to community agencies in the immediate aftermath of a crime. Each VCARS program is a not-for-profit agency funded by the Ministry of the Attorney General through transfer payments.

During the criminal justice process, victims of violent offences may receive assistance from the *Victim/Witness Assistance Program (V/WAP)*, which provides court orientation to victims and witnesses. Staff also offer assistance with Victim Impact Statements and information about the *Criminal Injuries Compensation Board*. Victims of violent hate crimes have recently been acknowledged as a priority for service from V/WAP.

After conviction, victims may obtain information about the status of the offender from the *Victim Support Line*. Victims of violent offences may also seek compensation from the *Criminal Injuries Compensation Board*. Victims of non-violent hate crimes are currently not eligible for compensation, regardless of how traumatic the victimization is to the psyche.

The *Sexual Assault Domestic Violence Treatment Program* provides immediate, confidential, and individualized treatment to females or males who have recently been sexually assaulted or are victims of intimate partner abuse.

The *Office for Victims of Crime (OVC)* became a permanent advisory agency in 2001, to advise the Attorney General on ways to ensure the principles set out in the *Victims' Bill of Rights* are respected. They advise also on provincial standards for victims' services, on the use of the Victims' Justice Fund to provide and improve services, research and education on treatment of victims of crime, on matters of legislation and policy on the treatment of victims of crime and on the prevention of further victimization.

Victims may make a complaint to the Ontario Human Rights Commission (OHRC) or the Canadian Human Rights Commission (CHRC) if they believe that they have been discriminated against or harassed. The various human rights commissions deal within their respective jurisdictions with hate/bias-related incidents that fall under human rights legislation, whether or not they qualify as criminal offences.

In the education system, the new Ontario school curriculum emphasizes that the schools must be free from discrimination to ensure that all students have equal opportunity to achieve their full potential. Many colleges and universities have ombudspersons, or human rights commissioners, who act at arm's length from the institution, with a mandate to address and resolve concerns and complaints about unfairness in a university policy, process or procedure, or discrimination and/or harassment.

Although there are several services for victims of crime that are administered and/or funded through the Ministry of the Attorney General, they appear to be relatively unknown amongst diverse vulnerable communities. Indeed, most members of the Hate Crimes Community Working Group were unaware of many of these services prior to reviewing the briefing notes and hearing about the Ontario Victims Services Secretariat at our inaugural meeting. It is usually to community-based services that victims of hate crime turn, if they are to seek help at all.

Community-Based Victim Services

Community organizations, often at the frontline of providing services to victims of hate incidents and hate crime, differ from government-based initiatives in several ways. First, community-based initiatives tend to enjoy higher visibility because they are based in the demographic constituencies which they serve. Secondly, community-based victim support is likely to be integrated into a broader mandate to offer assistance in areas of social and economic equity and justice. Thirdly, these agencies identify the need for culturally and linguistically specific tools to support victims through the healing process and to assist them as they navigate the criminal justice system. Community organizations enjoy a certain level of trust among the clients they serve although it is crucial to recognize that issues such as gender, class, sexual orientation and gender identity affect access and delivery – as they do in the society at large.

In spite of being severely under-funded and thereby, of necessity, short-term, several very effective projects to raise awareness and to counter hate crime victimization have been mounted by community organizations. For example:

- The **Safety in the Streets** program by the Grand Council Treaty 3 Justice Initiative is designed to build trust and break down barriers that prevent First Nations people from bringing incidents of racism and hate crimes to the attention of police or other authorities, and to promote healing between Aboriginal and non-Aboriginal communities in Kenora and the Treaty 3 area.
- The **Say No to Hate** campaign of the Council of Agencies Serving South Asians, is a video and training program aimed at youth and produced and conducted by youth.
- **Taking Action Against Hate (Protection, Prevention and Partnerships)** is a training of trainers program prepared by the League for Human Rights of B'nai Brith Canada, aimed at community groups, schools, law enforcement and government agencies.

- **Stand Up, Speak Out**, a resource kit produced by the Federation of Muslim Women, provides resources to empower victimized members of the community.
- The Scadding Court Community Centre provides a model for police/community partnerships to counter hate crimes and also to facilitate the police complaints process.
- **Choose Your Voice** is the initiative of FAST (Fighting Antisemitism Together) in cooperation with the Canadian Jewish Congress.
- The Anti-Violence Programme at the 519 Community Centre provides model programming and services for victims of homophobic harassment and assault.
- **Deconstructing On-Line Hate** by the Media Awareness Network (MNet), helps parents, children and schools recognize and react to hate on the internet.

These and many other programs and services offered by not-for-profit groups are continually at risk of being discontinued because of lack of ongoing funding, making it impossible to sustain initiatives, with the result that ongoing dissemination of the information and services is almost impossible.

Non-governmental organizations (NGOs) are also typically over-extended and notoriously under-resourced, resulting in lack of sustainability of culturally appropriate victim services and programming. As the first point of contact for victims – outside of circles of family and friends – these organizations are charged with providing emotional and physical support as well as guidance and referrals. A review of the services of NGOs in Ontario reveals that very few of these organizations have developed a dedicated anti-hate crime support function. Instead, most offer broad-based programmes aimed at developing community capacity. Those organizations that do offer services specific to victims of hate crime have tended to focus their attention on public education and awareness, direct assistance, reporting and monitoring. The need for recognition of community expertise and capacity building is a serious problem for victims of hate and bias crime across the country.

* * * * *

This Background section was intended only to provide a very brief overview of current issues in hate and hate crime, with some examples of government and community based programs. Further background data, historical and current issues and resources on Hate Crime in Ontario, Policing Service Initiatives and Victim Services are presented in the background materials that accompany the report. It is the information that was gleaned from the literature and services review that provided the rationale for the collection of further data and current information via a Community and Stakeholder Engagement Strategy, described below.

method

The Working Group's Process

The Working Group met ten times in person, usually for two-day meetings, approximately monthly from January to September 2006. Between meetings, several members contributed to the work of sub-committees, and kept in touch with one another and with staff by telephone and electronically.

The Working Group reached three conclusions at the outset of its deliberations. First, that it could not address effectively the incidence of hate "crime" unless it looked more broadly at the full range of hate phenomena and manifestations, and at the social and historical context that has given rise to them. Secondly, it found that it needed to agree upon provisional definitions of the relevant terms in order to demarcate the size and shape of the task assigned. It was clear from the outset that it could not simply take its bearings from the *Criminal Code*, both because the *Criminal Code* itself does not define hate crime as such, and because, again, such an orientation would focus the inquiry too narrowly on those hate phenomena that qualify as "crimes." Finally, it decided that it could not rely exclusively upon its own expertise in fulfilling its mandate. The Working Group needed to learn more about existing municipal, provincial and federal government arrangements in response to hate phenomena and about the nature, extent and impact of hate activity in as many as possible of the racialized and other communities in Ontario that most frequently experience it.

Working Definitions

The Working Group addressed the first two of these concerns by adopting the following as working definitions of "hate incidents" and "hate crimes". These are the lenses through which we would approach our research tools and the rest of our deliberations. The working definitions were drafted by a sub-committee and adopted early in the process as follows:

- "Hate incidents" are expressions of bias, prejudice and bigotry that are carried out by individuals, groups, organizations and states, directed against stigmatized and marginalized groups or communities, and intended to affirm and secure existing structures of domination and subordination.
- "Hate crimes" are hate incidents that are also criminal offences committed against a person or property and motivated, in whole or in part, by bias or prejudice based on real or perceived race, national or ethnic origin,

language, colour, religion, gender, age, mental or physical disability, sexual orientation or any other similar factor.

Using the working definitions enabled an opening up of the discourse, particularly from community members who would have otherwise been reluctant to speak of their lived experiences that they might not name as hate crime. The Working Group's ongoing deliberation on definitions was extensive, as the literature and our research pointed to the importance of developing a standard definition. The results of our deliberations appear under the Strategy and Recommendations.

Community and Stakeholder Engagement

The Working Group addressed the third concern identified above by engaging in deliberate and extensive attempts at outreach. Most of the time was spent in monthly plenary meetings from January through to the end of June, hearing **oral submissions** and reviewing **written representations** from provincial and municipal officials responsible for law enforcement, criminal prosecutions, police training, local and provincial educational policy, existing victims' services programs and funding arrangements, provincial Aboriginal justice initiatives, and law reform measures underway to deal with human rights and police oversight. Members also heard from academics and lawyers working on issues of hate, racism, discrimination and victimization. Most importantly, the Working Group heard from representatives of the most victimized groups according to reported data, including the African Canadian, Aboriginal, LGBTI, Jewish, Arab, Muslim and South Asian communities, and from multicultural organizations about the incidence of hatred and prejudice, and the nature and particular quality of the damage that hatred and prejudice causes, in each of those communities. (Appendix C lists the individuals from whom, and the organizations from which, the Working Group received submissions or representations.)

In addition to the wealth of materials and resources provided by members, the Working Group also instructed staff to conduct a detailed **literature review**, to ensure that its deliberations were informed as fully as possible by the best current thinking on hate crime issues and by the approaches undertaken in other jurisdictions. The Ministry of Community Safety and Correctional Services conducted an **environmental scan** of all Ontario police services, in order to determine what procedures are in place to plan, respond to and mitigate hate/bias motivated crime. There was an 86% response rate, with 60 services filing a response by the end of April.

The Working Group engaged consultants to design and administer an **electronic questionnaire** on hate crime and hate crime services, especially in Ontario, to groups and individuals from all sectors we believed to have useful information or expertise to share. There were 339 responses received. Different consultants were engaged to facilitate and to summarize the findings from **regional meetings** with representatives of community organizations, individuals, and relevant officials in Windsor, Ottawa, Thunder Bay and Kenora. Working Group members and staff joined the consultants at those meetings and toured correctional facilities in Kenora. (Appendix C includes the participants in these regional meetings.) The same consultants facilitated **focus groups** for the Working Group in Toronto with community group representatives, academics, educators and law enforcement officials. Working Group members also hosted a discussion group with Toronto lawyers involved with hate issues at legal clinics, in the criminal courts or in human rights proceedings. The purpose of the focus and discussion groups was to obtain informal response to the Working Group's initial thinking on some key hate crime issues.

A summary of the relevant findings from all these forms of outreach appears in the next section of this volume. In addition, several individual members of the Working Group conducted **personal interviews** with hate crime victims known to them from the constituencies with which they are most familiar. The victims' interviews added voice to many of the points raised by third party service providers or community leaders. Most recently, the Chair of the Working Group and staff met with senior officials in the Ministries of the Attorney General and Community Safety and Correctional Services, with a view to identifying and rectifying possible impediments to the prompt implementation of its recommendations.

The Working Group does not claim full representativeness or statistical significance for the findings that have emerged from extensive efforts at outreach. Time, budget and circumstance did not permit a full province-wide consultation that would have provided a larger sample size and greater regional representation. In total, the number of participants and contributors to the process approached 700 Ontarians. The Working Group *does* claim however, that despite some limitations, we were able to gather relevant, useful information about the nature, incidence and impact of hate activity in Ontario, providing a sound empirical basis for the proposed strategy and recommendations.

> "Even the smartest people, with all the education in the world – still, as victims, have ambivalent feelings about reporting – even when we know the system and aren't afraid of it. When you live with racism every day, what do you do?"
>
> African Canadian Woman, Victim of racial harassment, Toronto

> "I am concerned not only for myself, but also everyone in my community. These people have rights. They should not have to tolerate this. The police force symbolizes the justice system for many civilians. It's devastating when police officers are seen as betraying the system."
>
> Arabic Muslim Male, Victim of racial harassment and assault,
> Greater Toronto Area

summary of findings

As described above, despite severe time constraints, the Working Group conducted a fairly comprehensive literature review, and devised a multi-stakeholder strategy of community meetings, electronic questionnaires, and focus group discussions on hate activity with a broad cross-section of Ontarians. This section of the report provides only a summary of the findings from the various initiatives undertaken by the Working Group to deepen its understanding of hate and hate activity in Ontario. A more detailed report of the empirical findings that provide the rationale for the strategy can be found in the accompanying documentation.

A total of approximately 170 participants contributed their views personally to members of the Hate Crimes Community Working Group. This involved four regional meetings, three focus groups, and presentations from a variety of community organizations and stakeholder groups, as well as meetings and correspondence with selected individuals with special expertise in the area, including several victims of hate crime. Presentations were made by academics, leaders of institutions and agencies, members of faith-based communities, community-based lawyers, and staff members of the Ontario government in relevant policy, programs and victims' services work. The Working Group also heard from members of several police services, as well as the Ontario Police College (OPC) and representatives of the Hate Crimes and Extremism Investigative Team (HCEIT).

There were 60 responses received from the environmental scan of Ontario Police Services conducted by the Ministry of Community Safety and Correctional Services. Three hundred and thirty-nine (339) representatives of organizations and agencies involved in hate crimes work in a variety of sectors responded to the Working Group's online survey. Through these undertakings, and including the input of our members and key personnel from Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services, the Working Group heard from close to 700 Ontarians. It is on this empirical evidence that the proposed strategy is based and from which the eight key component issues emerged.

1 Definitions

The Working Group heard a consistent message across the province that many victims of hate activity and their communities are deeply concerned that their experience of hate is not recognized by police, the justice system and other public institutions. Hate motivated acts are ignored, denied, diminished and/or viewed as random criminal offences and treated as such. The critical question that needs to be addressed is: Whose experience determines when an act against a person or community is a hate crime or not?

Frustration was voiced by members of Aboriginal, African Canadian, Arab/Muslim, Jewish and LGBTI communities in particular, over a lack of common understanding of hate activity and of particular difficulties faced by them in the pursuit of justice. Too often, taking action to prevent or redress incidents of hate activity and hate crime leaves these groups more marginalized and further victimized. The Working Group learned that not only do hate incidents and crimes impact upon different communities differently and run the continuum from very subtle incidents to extremely overt acts of physical violence, but there is a feeling that that victimization of some communities is taken more seriously than hate crimes against others.

Another serious problem associated with the lack of a common perspective on hate activity is the absence of credible statistics to measure and analyse such activities. This is not only a barrier to fully understanding hate motivated activity as it relates to all communities, but also serves to deny these communities adequate redress. The Working Group heard strong demands for an understanding and definition of hate motivated activity that would be accepted by all sectors in the society.

In seeking a common understanding of hate crime and hate incidents, the Working Group was asked to consider a number of key elements. These include understanding that hate crime and related hate activity are not random instances of individual prejudice, but have historical origins based in a culture of racial superiority that began with European colonizing practices and the dehumanizing of Aboriginal peoples. Any attempt to define hate crime and incidents must also appreciate how historically-rooted ideologies of domination continue to marginalize people of different races, Aboriginal status, religions, ethnicities, different sexual orientations and physical or mental capacities.

The Working group was told that marginalized groups experience the legacy of this discrimination in their daily encounters with public institutions, including the justice system, which in their experience, condone and in some cases, perpetuate this legacy. The Working Group also heard that any credible definition of hate crime must give consideration to the socio-political and geo-political context that surrounds it. Hate, it was pointed out, does not operate in a vacuum, as evident in the post 9/11 targeting of specific groups and to culturally derogatory definitions of "terrorist".

2. Aboriginal Peoples

The Working Group heard from Aboriginal communities about how important it is to understand their history, their deep spiritual and cultural ties to the land, and their unique legal and constitutional position in Canada as key to understanding their experiences of hate activity and hate crime. Their history of racist colonial policies resulted in loss of traditional lands and legislation that prohibited their free movement. The federal government's policy of removing children from their families and sending them to residential schools devastated communities with a lasting impact in loss of language, culture, family life and self-esteem that impacts Aboriginal communities in Ontario today.

The Working Group heard that in a society in which Aboriginal peoples - women in particular - have been historically under-valued, hate crimes and incidents rooted in racism, generally go unreported and unacknowledged. It also heard how systemic racism in Ontario's justice system, legal system and community support systems, have contributed to the continuation of hate crimes perpetrated against Aboriginal peoples. The Working Group learned that Aboriginal communities fare far worse than other communities in Ontario and that they are the most disadvantaged population. Life expectancy, high suicide rates among young men and women and the level of violence in Aboriginal communities compare poorly with non-Aboriginal communities.

Incarceration rates of women, men and youth are more than eight times the national average, and their experiences in correctional centres are filled with daily encounters of racism.

Aboriginal presenters told the Working Group that criminalization should not be the sole strategy for dealing with racist activity and hate crimes. Aboriginal communities want to see holistic approaches to victim support services and a strategy that addresses both victims and perpetrators, in a constructive manner, as necessary to restore balance. In addressing hate victimization, conventional police intervention and court-based services are enhanced by holistic approaches that encompass physical health, mental health, education and family services. The emphasis in Aboriginal communities is on linking victim assistance to community development efforts.

Aboriginal presentations made the point that lack of hard data on hate crimes against Aboriginal peoples should not be misconstrued. Aboriginal presenters told us that racism is so prevalent it has become normalized, like "the air we breathe." They point to a system that has failed to protect the most vulnerable in the society.

3. Communities

Presenters and community members reminded the Working Group that there were significant differences in how Ontario communities experience hate and how they were able to respond to it. They pointed out that these differences must be taken into account in gaining an understanding of the differential impact of racism and other forms of hate in diverse communities. For example, representatives of the African Canadian community said they face a particular form of marginalization. These presenters and community groups spoke of "hate as the system under which we live" and the extreme under-resourcing of their community. They described significant barriers in the work force and in educational opportunities, talked about experiences of being both "over-policed" and "under-policed" and how that affected the way police perceive and treat them as hate crime victims. They spoke of powerlessness and of marginalization from decision-making roles, and the lack of recognition of their community as being one of the primary victims of hate crimes.

Representatives of several vulnerable communities described their lived experience – within a society that supports as well as perpetrates racism and hate, and they described the ways in which their daily lives are negatively impacted. The Working Group understood that these experiences were consistent with their understanding of the systemic and historical context of hate activity.

Individuals, groups and organizations conveyed strong messages to the Working Group about how hate crime and hate incidents have differential impacts on different communities. Presenters reported that there was uneven community capacity to respond effectively. Some communities are well resourced with sustainable networks and with leaders who often have strong, trusting relationships with governments and in the private and not for profit sectors. Such communities set an example in their capacity to respond effectively to the complex demands of political, social, technological and economic change with regard to hate crimes and hate incidents.

At the same time, however, the Working Group understands that there are many marginalized people in Ontario who simply do not have the infrastructure, resources or networks to provide support and assistance for them to take a stand against hate crimes and hate incidents. While such community organizations bring expertise in providing support to their own members, they are continually under-funded, with too many struggling to provide critical services on precarious budgets.

At almost every consultation, the Working Group was made aware that funding for critical work in communities is an ongoing problem. In particular, the current focus on project-based funding (as opposed to program-based funding) is overwhelmingly seen as preventing the creation of sustainable solutions for communities.

The Working Group heard there must be specific funding for community groups to build requisite institutional structures that allow them to comprehensively assist victims of hate crimes and hate incidents to navigate and negotiate effectively through the justice system and prosecution processes. Because community-based organizations are most often the first place that community victims seek refuge and help, presenters urged the Working Group to make sustainable funding to communities an urgent priority.

Issues Related to Partnerships

The Working Group heard how essential it is for institutions and service agencies to develop respectful and collaborative partnerships with communities and their organizations, in order to develop appropriate solutions to redress hate crimes and hate incidents.

Presenters advised that the government must take great care, in its efforts to facilitate the meaningful representation of victimized communities, to avoid any approach that may be interpreted as "saving the community". Such methods often lead to divisions among vulnerable communities and can often further stigmatize and marginalize these communities, resulting in an overall worsening of inter- and intra-community relationships.

Issues Related to Networks

The Working Group heard that attempts to network and build collaborative initiatives often fail due to lack of resources and that currently, capacity to network efficiently and share among Ontario's diverse communities is lacking. Presenters pointed out the importance of addressing such gaps as a tremendous step towards reducing duplication of initiatives and make more effective use of their resources.

It became clear to the Working Group that the development of inter-community relationships would have a beneficial impact on the larger fight against systemic racism, hate crimes and hate incidents. Communities would be more readily in tune with other communities that may be in need or may be able to offer support in terms of information or in-kind resources. Presenters insisted that the Ontario government must take deliberate steps to assist and support cross-community collaboration that will meet the common needs of communities and the socially beneficial interests and goals they share with the Ontario government.

4 Education and Training

The Working Group heard from communities across the province how much schools, colleges and universities are valued as crucial partners in addressing hate and hate crime. There is a shared view that Ontario's education system offers a tremendous opportunity to reduce hate activity by instilling in young people an appreciation and respect for differences and by teaching skills of empathy, critical thinking, and conflict resolution.

However, representatives of several communities expressed serious concern over the inability of the system to fully meet the needs of the province's vulnerable communities. Presenters spoke of historically based inequities, of changing demographic needs in an increasingly multicultural and multiracial society and of the concern that the education system is lagging in its efforts to respond effectively. They pointed out the need for special sensitivities and cultural competence in order to create safe environments for all students and staff, where prejudice and hate-motivated behaviour are not tolerated.

Preventing and Responding to Hate Incidents

Some communities expressed great concern about their children's day-to-day experiences in negotiating the school system. Examples were shared of children and youth being significantly implicated in hate incidents and hate crimes - as both victims and perpetrators. Concerns were also raised about some teachers, administrators and support personnel who were perceived as being both targets and purveyors of hate behaviour. Participants expressed concerns about tactics used by hate groups within educational environments, to recruit young people to their ranks, both on school premises and via the internet.

The Working Group heard that children and youth in Aboriginal and racialized communities appeared to fare worse in Ontario's educational system. In some Northern Ontario communities, concern was expressed at the level of racism and hate activity in schools and playgrounds. African Canadian and Black parents, educators and academics shared deep concerns about the plight of their children, who are still faced with a "systemic belief that 'badness' comes with colour and poverty" – to quote one of the presenters. Similar to Aboriginal students' experiences of hate activity, re-victimization in the complaints process was said to be a common response. African Canadian educators expressed particular concern about the "Safe Schools" provisions of the *Education Act* through which students are re-victimized.

In the post 9/11 context, Arab, Muslim and South Asian groups spoke of increased incidents of racism and hate, while students from their communities have to bear the extra burden of "explaining" their communities in classrooms. Academics shared concerns of colleagues who indulge in hate speech under the guise of "freedom of speech". Another source of concern for students, particularly at the college level, is dealing with cultural insensitivities from increasing use of private security personnel.

The Working Group was told that homophobic behaviour is largely tolerated in schools where children and adolescents appear free to disparage those of different sexual orientations. They heard the experiences of LGBTI youth feeling afraid to come out and of the "particular hell" they experience in schools. Participants stressed the importance of implementing compulsory anti-oppression and equity school policies and programs, especially in high schools.

Many participants felt that much more can be done to promote a safe and equitable environment for all students and staff. Schools, colleges and universities, they felt, must be able to react promptly and effectively at the first sign of bias. Participants felt that for such measures to succeed, students, parents, teachers, staff and members of the community must be involved in collaboratively finding solutions to hate activity which, if not defused, can escalate to dangerous consequences.

Curriculum and Content

Presenters stressed the importance of students being taught the historical context for hate and hate crime in our society. (See Aboriginal Peoples section.) The Working Group learned that while Native Studies currently is offered in Ontario secondary schools as an option, it is not selected by a majority of students. For African Canadian students, we heard that the curriculum is another source of exclusion and marginalization, where many find themselves at a serious disadvantage. While African Canadian communities have been living in Canada for centuries, and a significant number are immigrants from different parts of the globe, presenters said they all get lumped together as newcomers to Canada and are further marginalized as such. Their particular historical experience of community is largely absent from the mainstream curriculum.

Professional and Occupational Training

In regional meetings and focus groups, participants identified as a serious issue, a lack of cultural awareness and sensitivities within mainstream institutions such as policing, the justice system, the education system, social services and medical professions in dealing with people of diverse communities.

It was stated that when the system is barely representative of, and remains stubbornly impervious to, the diversity that surrounds it, such a system supports and perpetuates hate crimes/incidents. It was stated by some participants that the top branches of most service delivery programs are still racially monolithic, with paper-cycle bureaucracy taking precedence over more human-centred approaches, while anti-racism and anti-oppression recommendations or policies are not being implemented.

The Working Group heard that in some Aboriginal communities, almost every mainstream institution has no Aboriginal representation among staff, nor do many of these institutions ensure any adequate cultural sensitivity training. Belittling people, name-calling, denial of services and general attitudes of condescension and intimidation were described as common.

In order for government agencies, businesses and social services to address the needs and problems of diverse communities, stakeholders pointed out that they must be represented at all organizational levels and that these institutions must make a firm commitment to cultural awareness and sensitivity education and training.

5. Victim Services

The Working Group learned that many communities and individuals in Ontario are largely unaware of the work or even the existence of the Ontario Victim Services Secretariat (OVSS) whose mandate is to provide services to all victims of crimes, including: providing leadership across government in victim service policy development, providing oversight for the current Victims' Justice Fund, and providing and/or funding a broad range of support services to victims delivered through community-based organizations as well as through court-based programs.

The Working Group also learned that the OVSS falls seriously short in dealing specifically with victims of hate crimes and hate incidents. First, many community-based organizations, groups and vulnerable communities are simply unaware of the services available to victims of hate crime. Secondly, the current services are inadequate to meet the specific needs of many communities and victims of hate crimes and hate incidents, particularly those affecting Aboriginal Peoples, LGBTI and other marginalized communities. For its part, the OVSS indicated that its efforts are limited by the small number of hate crimes victims whom the police bring to its attention, according to its mandate.

As with other mainstream agencies, cross-cultural sensitivities in service delivery are necessary in communities right across Ontario. Community members and participants from Northern Ontario in particular, spoke of deep insensitivities from various agencies' service providers and of a lack of service delivery personnel who reflected their communities.

Since the Working Group's mandate required it to be specifically concerned about the gaps in service provision to victims of hate, members became very much aware of the current limitations of the programs and initiatives offered by government as described at the consultations. It is aware that this gap tends to be mainly filled by community-based organizations. There are several characteristics that make community-based organizations a more viable option and first point of refuge for victims seeking support. They tend to be accessible and are knowledgeable of the victim's and the community's needs. They provide culturally appropriate and sensitive responses, and have expertise to tailor services to meet such needs. Their independence makes them less intimidating than government-affiliated bodies.

The Working Group was reminded of the changing demographics and needs within Ontario communities and the struggles of community agencies to keep up with these needs, particularly in large urban centres. Stories from community-based contributors and presenters - in particular from the Aboriginal communities and African Canadian communities - described how the dire social and economic marginalization with which they live continually exposes them, especially young men, women and children, to hate crimes and hate incidents.

The Working Group also received several presentations regarding continual racial profiling and pathologizing of specific communities, such as the African Canadian, and increasingly, Arab and Muslim communities. Presenters spoke of the current globalized context, in which incidents in far off places can have a devastating impact on the lives of people in Ontario communities. The recent experiences of the Arab and Muslim communities here in Canada whose everyday circumstances have changed so dramatically provide worrying examples of these evolving pressures and demands for appropriate victims' services.

While community groups and organizations are best suited to responding to most of these needs, the Working Group was reminded of the ongoing challenges faced by victims and victim-based communities, in particular the lack of sustainable funding. Accessing funding can also be a source of frustration, particularly for community groups and organizations with limited human resources.

6. Justice System

Accessing Justice:

The Working Group heard of serious constraints in the justice system's capacity to deliver essential justice to all victims of hate activity in Ontario, in particular, those most vulnerable. There is a widespread perception, especially among African Canadian, Aboriginal and LGBTI communities that there is little point in reporting hate incidents to the police. The Working Group heard that most victims of hate are unable to access justice, because their experience of hate activity is often not considered a hate crime or they do not see reporting as a viable option. A victim might be unfamiliar with how to report, have concerns about language ability or may fear reprisals from the perpetrators. Aboriginal and African Canadian stakeholders expressed a deep concern with negative consequences of attracting police attention by reporting hate incidents, and feared that they themselves would be charged or mistreated for doing so.

When they did report, their experiences with police services were in most cases negative, and the police services were unlikely to put resources into investigating their complaints. Community representatives also noted that when charges were laid, some police would reduce the charge against the accused perpetrator to a less serious offence than the incident warranted. Therefore, concerns were shared that many, probably most, hate incidents and/or crimes never come to the justice system's attention.

Community agencies, which are most often the first point of refuge for victims of hate crime, reported lacking capacity and resources to help victims to navigate the criminal justice system. In many community meetings, participants spoke of poor police/community relations, in particular in Aboriginal, racialized and LGBTI community. Examples included targeting of young men, over-policing and under-policing of specific communities and failure to consult with communities.

There was also the expressed concern that the requirement for the Attorney General's consent to lay a charge of hate crime may act as a barrier to legitimate complaints from many marginalized communities. Hence a large number of Ontario vulnerable communities – Aboriginal peoples, racialized, LGBTI and faith-based community members – do not feel they have fair and equal access to the criminal justice system in Ontario.

Criminal Law

The Working Group heard from many communities that while it is essential to deal effectively with hate incidents and hate crimes, it is also problematic to criminalize every ignorant behaviour. Presenters spoke to the real challenge of sending a clear message that hate-motivated behaviour will not be tolerated and, at the same time, preventing the misuse of the *Criminal Code*.

The Working Group heard of the lack of uniformity in reporting and recording hate crimes. Since there is no standard definition as to what constitutes a hate crime or hate incident, what is actually tracked varies from one report to another. Further, since there are no specific hate crimes offences, even where there is a conviction for a crime that may be motivated by hate, it is not recorded.

Human Rights

With regard to the proposals for change in the Ontario Human Rights Commission, the Working Group heard from many that the OHRC should have total jurisdiction over complaints about hate and/or racism. Many participants expressed concern about Bill 107, and asked for a strong enforcement body with appropriate investigative powers to protect complainants. It was felt that complaints of racism should never be resolved through "informal discipline" mechanisms which cut the victim out of the process. There was a concern that trying to expedite the human rights complaint process may result in the denial of a greater number of applications.

The Working Group was advised that a key focus with regards to human rights reform should be on legal supports and representation that was properly funded, staffed and empowered. Participants told the Working Group they wanted the OHRC to focus on systemic issues, access, and policies, with assurances that effective legal advice and representation is available, at public expense, to all human rights claimants that genuinely need it.

Policing

The Working Group heard repeatedly from vulnerable communities, particularly Aboriginal and African Canadian communities, of their lack of trust of the police, the futility of reporting, and their fear of re-victimization by the police and the court system. These communities expressed fear of the police because they had been victimized. They consistently spoke of their experience of police abuse and racial profiling, and how they are perceived as criminals and not victims because of their over-representation in the criminal justice system.

The Working Group learned that only seven police services in Ontario have dedicated Hate Crimes Units, and only 20 services have dedicated officers to manage and investigate hate/bias motivated crimes and hate propaganda. While officers in those services are provided with some awareness training on the subject of hate crime, the content and extent of training varies considerably across the province.

Having heard from several policing services, the Working Group expressed concern about the structure and function of Hate Crimes Units in some police services where a single unit of officers is responsible for both hate crime and "extremism," and/or where units are equipped for intelligence gathering but not investigative functions. With the melding of these two approaches, communities which are vulnerable to hate incidents perceived that it is often the same communities that are subject to over-surveillance on suspicion of extremism.

The Working Group was told that since September 11, 2001, Muslim and Arab Canadian communities have attracted great scrutiny and suspicion from security and law enforcement officials as potentially being involved in terrorist activity. At the same time, hate crimes against these communities also increased and in these circumstances, assigning the same officers to address hate crime and extremism raises conflicts. Therefore, there was a strong feeling that dedicated Hate Crimes Units should be established with sufficient resources and clear mandates, in all areas of the province, and that such units should be distinct from units engaged in anti-extremism intelligence.

Regarding training of police personnel, the Working Group heard from Ontario Police College staff that currently, police training related to hate crimes is limited to short courses and only to new recruits, with little refresher training. The Working Group has learned that there should be additional ongoing training for justice system professionals and that existing protocols and procedures, such as outlined in the Policing Standards Manual, should be strictly adhered to, in order to increase sensitivity to the needs of victims of hate crime. The training of all justice system personnel needs to include the historical and other factors that have given rise to manifestations of hate and prejudice toward vulnerable communities, and the specially damaging impact on such communities and their members of hate incidents and hate crimes.

First Nations Police

The Working Group heard from First Nations Policing representatives that First Nations Constables play an important role in Aboriginal communities with respect to hate complaints. However, since they are not subject to the same requirements as other police officers, or the same opportunity for training in general or with respect to dealing with hate crime allegations, First Nations authorities in the province should be consulted about appropriate training and conduct standards for individuals appointed as First Nations constables as well as civilian oversight.

Police and Crown Protocols

The Working Group heard from the Ministry of the Attorney General that Crowns rely almost exclusively on police to provide them with evidence of hate motivation. If the police do not give this evidence to Crowns, it becomes nearly impossible for the Crown to deal with the hate aspect of a crime, or to argue for sentence enhancement based on Section 718.2(a)(i) of the *Criminal Code* (which allows for enhanced sentences when hate is found to be a motivating factor).

The Working Group heard from the Criminal Law Division that Crown prosecutors have discretion as to how to conduct a criminal prosecution, and they are guided by certain Crown policies. However, at present, there is a lack of public knowledge about the process through which victims of hate crimes can obtain information about how to file a complaint about the conduct of a criminal prosecution, and about how such complaints are addressed.

It was urged that the Ministries of the Attorney General and Community Safety and Correctional Services develop, in consultation with Crown Attorneys' offices and police services, a standard, recognizable way of identifying criminal investigation files as cases that may be appropriate for prosecution as hate crimes; that police services thereafter identify, in this prescribed way, cases that may be appropriate for prosecution as hate crimes, and that steps be taken to ensure that all Crown prosecutors are completely familiar with all practices and guidelines related to hate activity.

Further, the Working Group, was told that the Ministry of the Attorney General should give community groups a role throughout the criminal justice process, including but not limited to, assisting in the preparation of individual and community victim impact statements.

Police and Crown Complaints

Some members of vulnerable communities stated that members of their community are afraid to make complaints to the police when the perpetrators themselves were police officers. Furthermore, it was felt that there is not enough transparency or independence in dealing with complaints made by civilians against police and that to remedy this, the provision of independent, transparent, and accessible mechanisms for dealing with complaints about the provision of services in the justice system is necessary.

The Working Group heard that the Ministry of the Attorney General, Criminal Law Division, should take steps to publicize the recently introduced Criminal Law Division Practice Memorandum entitled "Complaints Process" so that victims of hate crime can obtain information on how to make a complaint about the conduct of a Crown prosecutor, and about the procedure for addressing such a complaint. The Working Group further heard that the publication of the complaints process for the conduct of a criminal prosecution would give the members of vulnerable communities in Ontario greater reason for confidence in the integrity of the criminal justice system regarding hate incidents.

Aboriginal Justice

The Working Group was reminded that in early 2004, the Attorney General announced an Aboriginal Justice Strategy. This is understood to be a consultative process intended initially to address the overrepresentation of Aboriginal peoples in the criminal justice system, but also to help develop ways of learning from, and showing more respect for, traditional and evolving Aboriginal legal arrangements within mainstream society.

The Working Group was informed that the Aboriginal communities participating in the Aboriginal Justice Strategy require sufficient funding to support meaningful participation in the process, and, more generally that the Strategy requires sufficient resources of all kinds to enable it to achieve its objectives. Further, the Working Group was encouraged to implore the Attorney General to reaffirm publicly the government's commitment to the Aboriginal Justice Strategy and to clarify the Strategy's mandate and the government's vision for the Strategy.

Aboriginal community members expressed concerns that the criminal justice system works against Aboriginal peoples and other marginalized groups when judges and court workers are not aware of, or sensitive to, the culture or context of hate as they impact on different communities. Aboriginal community representatives called on the province of Ontario, in consultation with appropriate First Nations and Métis organizations, to create mechanisms to ensure that all Aboriginal peoples, including those who are incarcerated, have access to knowledgeable, culturally appropriate legal advice and representation when charged with offences or when victimized by hatred, prejudice or bigotry. It was further noted that since Aboriginal victims of hate crimes lack legal support, there is a need for Aboriginal Victim Services in Ontario where Aboriginal persons can access services, including legal representation. Overall, the Working Group's findings on the situation of Aboriginal peoples suggest that much work is required to create a justice system that works for Aboriginal peoples.

Correctional Services

The Working Group learned that vulnerable communities, especially Black and Aboriginal communities, experience and perceive provincial correctional facilities as regular, routine sites of hate incidents. Recent Ontario Human Rights Tribunal rulings confirm that racial discrimination and hate incidents take place in Ontario correctional institutions. The Ministry of Community Safety and Correctional Services was urged to increase its efforts to address and eliminate overt and systemic racism in the Ontario correctional service and within Ontario's correctional institutions.

Criminal Injuries Compensation

The Working Group learned that the Criminal Injuries Compensation Board can only award compensation to victims of violent crime. While some hate crimes may involve violence, many do not, although they all involve emotional distress. It was proposed that the *Compensation for Victims of Crime Act* should be amended to ensure that all victims of hate crime are eligible for compensation. Further, it was presented that civil actions against perpetrators for hate incidents should be eligible for funding through legal aid certificates or legal clinics.

Private Security Services

The Working Group heard concerns from various presenters, including students at the college level, about having to deal with cultural insensitivities from the increasing use of private security personnel who marginalize or stigmatize individuals on the basis of race and other personal characteristics which cause people to be victimized by hate activity. The government was called on to disqualify from license eligibility as a security guard any individuals found to have perpetrated hate incidents or hate crimes or to have contravened *Ontario's Human Rights Code* or the *Canadian Human Rights Act*, and to enact a code of conduct for private investigators and security guards prohibiting hate activity.

7. Public Awareness

The Working Group heard strong messages throughout the process that the public must be able to understand hate activity within their communities in order to participate in its reduction. A public awareness campaign was offered as an essential tool to combat hate activity and hate crime.

The Working Group learned a great deal from presenters about how hate is so commonplace and institutionalized that it is almost impossible for those outside vulnerable communities to fully appreciate its magnitude or to recognize it as a scourge on our society as a whole. The Working Group was told that when the public lacks cultural awareness and understanding of differences, this contributes to exclusion, victimization, fear, and tolerance of hate crimes and incidents. For example, Aboriginal presenters spoke of the absence in the Canadian consciousness of their historical place and rights in Canada and how this contributes to instances of everyday racism and hate. Several presenters emphasized that vulnerable communities and individuals are not the only victims when hate activity is carried out – that what hurts one of us hurts us all. A concerted effort was required by all to address hate in the society.

The Group was reminded of an example of a successful public awareness strategy -- the campaign against violence against women. As with hate crimes and hate incidents today, not so long ago the abuse of women was mainly ignored and not treated as a serious crime. Today, this crime and its perpetrators are widely condemned. This is because governments, both national and provincial, community groups, highly recognized public figures, and some of the media, were involved in the campaign.

It was pointed out that the more diverse a public awareness campaign, the more effective it will be. The Working Group heard that efforts to raise public awareness must take into account that traditional channels may not reach everyone. Creativity and consistency were said to be the keys to educating and convincing the public about the harm and dangers created by hate-activity. It also heard that a strong institutional commitment is required for a public awareness campaign – that statements should come out loudly and clearly from government on what it means to take action on hate crimes.

8 Implementation

Across the province, at every hearing and consultation, the Working Group heard an urgent call for immediate action to address hate crimes and hate incidents in Ontario. From most stakeholders, in particular from the most vulnerable communities, an implementation strategy with strong built-in accountability measures was deemed necessary to counter this debilitating force in society. Community stakeholders repeatedly reminded the Working Group of the importance of ensuring that strong governmental support, appropriate multi-level structures and sustainable funding are essential to ensuring sustainable change.

However, community groups and others recommended that any approach to address hate crimes and hate incidents in a comprehensive manner must involve a broad cross section of stakeholders in a meaningful way with representatives from the most vulnerable communities at the decision-making table. Communities stressed the importance of accountability measures in implementation plans and called for high profile champions from governmental and other public institutions.

The Working Group was repeatedly told that to ensure an effective implementation and accountability strategy, an action plan must contain at least these elements:

- A comprehensive understanding of the issue;
- Anti-racism/anti-oppression training throughout the system;
- A victim-centred approach;
- Meaningful partnership/inclusion of vulnerable communities; and
- Commitment from government on action and funding.

strategy and recommendations

Vision

A province that is proactive, inclusive, innovative and effective in its response to hate and hate crimes, and in its support for victims of hate.

To achieve our vision that will enhance victim services, response to and prevention of hate crime and hate incidents in Ontario, the Hate Crimes Community Working Group, in fulfillment of its mandate, and based on what we have gleaned from our research, recommends the implementation of a strategy that addresses the following critical components:

1. Definitions
2. Aboriginal Peoples
3. Communities
4. Education and Training
5. Victim Services
6. Justice System
7. Public Awareness and Social Marketing
8. Implementation and Accountability

1. Definitions

Goal: Establish a shared conceptual foundation for hate incidents and hate crimes across government and in communities.

The Working Group concluded that hate is a complex problem touching a range of issues and concerns. Given this complexity, it decided that a clear understanding of hate incidents and hate crimes (i.e. acts of hate) must be developed and that a consensus, based on this understanding, must be built across government and in communities.

Objective:

The definitions of hate incidents and hate crimes are contextualized and cognizant of the marginalization and disadvantage of victimized communities.

A clear understanding of hate crimes and hate incidents requires recognition of the systemic dimension of hate. The Working Group concluded that acts of hate are not aberrant, isolated occurrences. They do not take place within a vacuum, but occur in environments where bias, prejudice, bigotry and contempt are pervasive and deeply embedded, and are continually in evidence in everyday life for too many Ontarians. Racism, homophobia, sexism and other similar ideologies or mindsets are pervasive in society, and provide the underpinning for and facilitate acts of hate. These acts, in turn, further entrench the ideologies from which they emerge.

Acts of hate are not confined to the discrete actions of specific people. Hate is manifested within organizational structures as well as through the thoughts and behaviours of individuals and groups. Institutions and corporations can, for instance, perpetrate hate through engrained practices of entitlement, superiority and domination. They do not just condone victimization; they participate in it and benefit from it. And states can explicitly target and systematically persecute particular communities or populations. The Holocaust during the Second World War is a case in point. In the view of the Working Group, this aspect of hate must be acknowledged.

In the view of the Working Group, acts of hate occur within specific contexts. Certainly, hate has an historical context. It is rooted in, and perpetuates, inequalities and discrimination in our past. Examples of such historical roots include the colonization and dispossession of Aboriginal peoples, the enslavement of men, women and children of African descent, the organized, state-endorsed discrimination of racialized 'foreigners' (e.g. Chinese, East Indian and Jewish immigrants or would-be immigrants), and the oppressive treatment and institutionalization of persons with disabilities.

The Working Group concluded that the contemporary context is also important. For instance, Muslims are attacked and a Hindu temple is destroyed by arsonists in the aftermath of the 9/11 terrorist attack; the LGBTI community is demonized as debate escalates about same-sex marriage; assaults of African Canadian men by police occur within the context of racial profiling; and a Jewish cemetery is desecrated, swastikas deface a synagogue, and two Jewish schools are firebombed as the situation in the Middle East intensifies.

In the Working Group's view, understanding and attending to context is crucial. The Working Group believes that acts of hate occurring today find referents in the past - for instance, assaults of African Canadian men who have been racially profiled find their roots in the anti-Black stereotyping and social controls that characterized slavery. It also believes that the contemporary context will inform, if not actually lay the foundation for, acts of hate in the future.

In developing an understanding of hate incidents and hate crimes, the Working Group also reached several conclusions regarding impact. The consequences of acts of hate are profound and far-reaching, especially considering the vulnerability of victims and communities, and their relative powerlessness in seeking recourse. Acts of hate stigmatize and marginalize already stigmatized and marginalized individuals and groups.

Moreover, the Working Group concluded that the intersection of multiple oppressions in an act of hate exacerbates the impact. For instance, a woman with a physical disability who was specifically targeted for sexual assault (i.e. gendered violence) because persons with disabilities are negatively stereotyped as powerless and defenseless, may feel doubly violated after the assault has occurred. Factors such as immigrant status and scape-goating during economic downturns operate in similar ways. Finally, the intersection between poverty and lack of economic opportunity on the one hand and race, ethnicity or religion on the other, necessarily affects the impact of hate.

Objective:

Common definitions of hate incidents and hate crimes are adopted by government, police services and communities.

The Working Group concluded that formal definitions of hate incidents and hate crime should be developed to convey its understanding of hate and to ensure a common stance. It is important to take a broad perspective with respect to definitions because many acts of hate, although intimidating and injurious, may not constitute hate crimes under the framework provided by the *Criminal Code of Canada*. The Working Group wants to ensure an inclusive, victim-focused approach that addresses the realities of hate and assists in the provision of victim services. We also want to ensure a comprehensive, equitable and effective response. Consequently, the proposed definitions encompass all hate-related events. A standardized definition will facilitate information sharing, reporting, documentation, comparative analysis, and measurement of the effectiveness of interventions, and will enhance effective police/community relations through better understanding, recognition and naming of hate and hate crime.

Recommendations:

1.1. The Working Group recommends that:

- the Ontario Government adopt standard definitions of 'hate incident' and 'hate crime' for all public purposes in the province, including victim services, criminal justice, statistical classification, public education, policy and program development, and program/project funding allocations; and

- the Ontario government urge the federal government to adopt these same definitions for all public purposes nationwide.

1.2 The Working Group further recommends that:

- the Ontario government propose and adopt the following definitions for these purposes:

    - 'hate incident' means any act or omission, whether criminal or not, that expresses bias, prejudice, bigotry or contempt toward a vulnerable or disadvantaged community or its members. A 'vulnerable or disadvantaged community' is any group or community identified as such on the basis of characteristics protected by the *Criminal Code of Canada*, the *Canadian Human Rights Act, the*

Ontario Human Rights Code, or Section 15(1) of the *Canadian Charter of Rights and Freedoms [Charter]*;[1]

- 'hate crime' means any criminal offence committed against a person or property that is motivated, in whole or in part, by bias or prejudice based on real or perceived race, ancestry, national or ethnic origin, language, colour, religion, gender, age, mental or physical disability, sexual orientation or any other similar factor, whether that of a victim or that of associates with whom a victim is closely affiliated. 'Any other similar factor', as specified in the *Criminal Code*, is to be interpreted, for this purpose, in a manner similar to 'analogous grounds' in Section 15(1) of the *Charter*.[2]

2. Aboriginal Peoples

Goal: Recognize and respect the unique historical, constitutional and current position of Aboriginal peoples.

The Working Group has chosen to devote a component of this strategy exclusively to Aboriginal peoples in order to address the unique position that their communities occupy in Canada. The Working Group honours the historical fact that Aboriginal peoples were the first peoples to occupy present-day Ontario. It recognizes and respects the deep spiritual and cultural ties that bind them to the land. It believes that their communities are rich and diverse in terms of their histories, cultures and languages.

Aboriginal peoples hold a unique legal and constitutional position in Canada. They believe - and the Working Group respects their belief - that this position originates in natural law (since they are indigenous to the land). It received early formal recognition in the *Royal Proclamation of 1763* and then in numerous treaties that, from an Aboriginal perspective, embody traditional relational values of peace, harmony and respect, govern the sharing of the land, and are binding, in legal and spiritual terms, in perpetuity. Aboriginal and treaty rights were affirmed in the *Constitution Act, 1982*.

The Working Group was made painfully aware during its discussions, through presentations from Aboriginal community representatives and as a result of the community meeting held in Kenora, that First Nations, Métis and Inuit peoples have long been subjected to hate crimes, and are today disproportionately victimized by hate. Obvious examples include the brutal sexual assault and murder of Aboriginal women and girls. However, incidents such as unprovoked attacks on Aboriginal fishermen exercising treaty-based harvesting rights and 'protective' measures such as the apprehension and adoption 'out' of Aboriginal children can also, in the Working Group's view, evidence hate. And all of these incidents and measures occur within an environment of constant disrespect and ill treatment, and persistent prejudice and discrimination.

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[1] Discrimination under section 15(1) of the *Charter* is prohibited on the basis of the "enumerated grounds" of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability, and on grounds analogous to those that are enumerated. An analogous ground recognizes a group that is vulnerable to discrimination and that has been subjected to historical disadvantage and negative stereotyping, based on immutable characteristics (that is, characteristics that are difficult to change or would be unreasonable to expect an individual, to change).

[2] See previous note.

Objective:

A distinct and targeted approach is taken to understanding and addressing Aboriginal victimization.

The Working Group concluded that the current position of Aboriginal peoples in Ontario has a bearing on their encounters with hate. Aboriginal peoples occupy markedly different historical and political realities than other residents in the province because they are colonized peoples. The notion and the experience of hate and hate crime are rooted in a different dynamic for them given the treatment they have endured (and continue to endure) and given that hate is often directed at undermining their legitimacy as peoples. The Working Group understands that Canadian law has provided few remedies for actions that profoundly transgress Aboriginal peoples' understanding of our relationships as brothers and sisters, and nations within a nation. Comprehending this, the Working Group concluded, is key to understanding the impact of hate and hate crime on Aboriginal peoples and to redressing the situation.

As was described in the Background and corroborated in the Findings, since hate is so normalized (to the point that it is 'like the air we breathe') and since it is so debilitating for Aboriginal peoples, the Working Group concluded that urgent action is required. It believes that hate must be acknowledged publicly as an enormous problem, and that hate crimes and hate incidents should be reported and addressed appropriately.

Objective:

Urgent attention is given to Aboriginal victims of hate incidents and hate crimes.

The Working Group understands that Aboriginal peoples believe that 'criminalization' should not be the sole strategy for dealing with these sorts of issues. It recognizes and respects that Aboriginal peoples favour a holistic approach to victim supports, and a response that attends to both victims and perpetrators in order to restore balance. In addressing hate victimization (both individuals and communities), a holistic approach necessarily encompasses health, mental health, education and child and family services, in addition to conventional police intervention and court-based services. To a greater degree than in non-Aboriginal settings, the emphasis in Aboriginal communities should be on linking victim assistance into community development efforts. A holistic approach would also address perpetrators of hate crimes in a manner that is more constructive than solely criminal sanctions.

Recommendations:

The Working Group recommends that

2.1. The Ontario Government undertake a distinct Aboriginal Strategy to end hate crimes and hate incidents directed towards Aboriginal Peoples and their communities. The Strategy should meet the following criteria.

- The Strategy is designed, developed and implemented in collaboration with Aboriginal Peoples and communities across Ontario.
- Appropriate linkages are established between this strategy and the Aboriginal Justice Strategy which is directed toward improving and strengthening the Canadian justice system's response to Aboriginal peoples, and examining opportunities to support the development and delivery of Aboriginal traditional and community-based approaches to justice.
- Funding for the strategy is long-term and consistent, and includes sufficient resources for substantive work with schools and in classrooms.
- The strategy includes a strong public education component about the origins and effects of hate crimes and hate incidents, as well as collaborative initiatives that bring Aboriginal peoples into dialogue with other communities to deepen understanding of the unique histories and rights of Aboriginal peoples in Canada.

3. Communities

Goal: Empower and integrate communities into all systems and services relating to hate crime.

The Working Group's strength as a group, lies in its shared ability to understand and address with sensitivity the lived experiences and perspectives of many of Ontario's diverse communities. This attribute has been a key component in members' ability to listen with empathy and unflagging interest to the presentations made and personal stories told by the broad variety of community-based representatives in several settings across Ontario.

Working Group members also have day-to-day, personal experience of varying degrees and forms of systemic racism and hatred that their communities continually experience. They are able to recognize how such systemic bias often results in bigotry and hate directed towards ethno-cultural and religious communities, gays and the disabled, and the manner in which communities and groups that are seen to be "different" or "other" experience hate crimes and hate incidents.

The Working Group was also reminded by participants that many racialized communities continually suffer extreme disadvantage because they lack the required expertise, resources and institutional infrastructure to exercise fully their civic rights and responsibilities. This is especially true for Aboriginal peoples, the African Canadian community and other racialized communities. Furthermore, there are no mechanisms for vulnerable communities to participate in decision-making with governments and public institutions as civil society representatives for the purposes of democratic accountability.

Based on these experiences and the information and data collected since January 2006, the Working Group holds the strong view that community-based organizations in Ontario possess unique experience and expertise to work effectively within their respective communities, as well as to monitor and hold accountable public sector institutions and policies that impact them. It is, therefore, imperative that community organizations are considered integral to the overall strategy aimed at the elimination of hate crime and hate incidents in Ontario.

Objective:

Victimized communities have the capacity to deal with hate and hate crime by having access to sustainable funding and support for services, programs, and initiatives.

The Working Group fully appreciates that the funding needs for critical work in communities is an ongoing problem, particularly access to sustainable funding. It believes that there must be specific funding for community groups to build requisite institutional structures that allow them to comprehensively assist victims of hate crimes and hate incidents to navigate and negotiate effectively through the justice system and prosecution processes. Such support is particularly important because community-based organizations are the first stop for the majority of victims seeking refuge and help, as well as for governments seeking information on community needs and issues. The recommendation for sustainable funding to communities stands out as an urgent priority.

The Working Group fully understands that systemic barriers can have devastating impacts on the day to day realities of people living in vulnerable communities, and that such communities must be empowered to participate in seeking solutions. The Working Group recognizes that community-based organizations through their leadership have developed particular insights and expertise in this area based on their own lived experience and that they must be included as essential and equitable partners in the development of sustainable solutions to redress hate crimes and hate incidents.

Objective:

Vulnerable communities are adequately and meaningfully represented in institutions and partnerships.

The Working Group recognizes that community organizations would be strengthened through collaborations and networking. The Working Group believes that it is essential that respectful, collaborative and meaningful partnerships are developed across the sectors and that structures are created and supported for communities.to bring their experience to the table.

The Working Group recognizes that in order to erase historical, structural and attitudinal causes of hate and hate crime, vulnerable and marginalized communities who are the primary targets, must have the institutional and financial capacity to act. This means both the ability to intervene effectively in individual cases of victimization and also to engage equitably with governments, policy makers and public institutions that deal with hate and hate crime.

Objective:

Opportunities exist and are strengthened for networks, community partnerships, coalitions and capacity building.

The Working Group believes that support for collaborative partnerships between and among community based groups and organizations would be beneficial for building linkages among the broad diversity of community groups and organizations. Such steps will significantly contribute to reducing unnecessary duplication of efforts. The Working Group concludes that development of inter-community relationships is crucial in the larger fight against systemic racism, hate crimes and hate incidents throughout Ontario. It encourages the government to take deliberate steps to assist and support cross-community collaboration that will meet both the common and specific needs of communities and the goals and overall socially beneficial interests they share with the Ontario Government.

Recommendations:

The Working Group recommends:

3.1. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services provide sufficient funding and additional resources to community organizations throughout the province to:

- create necessary institutional supports within communities;
- strengthen relationships between community organizations;
- collect and publish their own statistics of hate related incidents in their communities, and support community-based research initiatives;
- assist and support victims of hate crimes and incidents through the justice system; and
- create distribution channels so community organizations can disseminate the research and products they have produced.

3.2. In collaboration with community-based organizations, the Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services create and strengthen networks for:

- sharing information, research and best practices between community organizations and government.
- understanding the scope of hate activity and incorporating community research and data collection, statistics, and resource materials when creating similar products.

4. Education and Training

Goal: Implement effective education and training to address and prevent hate and hate crime victimization

The Working Group believes that our schools, colleges and universities must be encouraged and supported to continuously build and maintain strong, sustainable partnerships among themselves and with the Ontario Government in the overall strategy to address hate crimes and hate incidents. The Working Group understands that hate is not intrinsic to human beings; it is a learned behaviour which can be unlearned. Educational institutions play key roles in shaping the ideas and attitudes of our children and youth who come from such a huge diversity of ethno-racial, socio-economic and geographically differentiated communities. They are central to the development of Ontario's moral climate.

The Working Group concluded that educational institutions are not immune from intolerance and violence. Across the province, children and youth are significantly implicated in hate incidents and hate crimes as both victims and perpetrators. Teachers, administrators and support personnel also convey and are the targets of hate. Hate activity, whether it takes the form of slurs, graffiti, intimidation, bullying, harassment or assault, is continuously evident in classrooms and on school grounds. As well, hate groups work within school environments to recruit young people to their ranks.

The Working Group is particularly concerned about the plight of children from the African Canadian community, especially with respect to disciplinary measures imposed under the '*Safe Schools*' provision of the *Education Act* that targets racialized children and youth. The situation of First Nations, Métis and Inuit children is a cause for deep disquiet. Tolerance of homophobia, which has a drastic effect on LGBTI youth, is also a serious concern. LGBTI youth are at higher risk of substance abuse and for dropping out of school. The Working Group is distressed that there is today in the school system "the systemic belief that 'badness' comes in colour, poverty and behaviour problems" - to quote one of the presenters. It concluded that strides that were made in the past to ensure that the Ministry of Education played a strong leadership role in promoting anti-racism policy and practice have been negated. Policy frameworks are being disregarded, institutional support for implementation of policies has been eliminated, and structures have been dismantled.

The Working Group believes that Ontario's schools, colleges and universities must be actively engaged in preventing and reducing hate crimes and hate incidents. The Ministry of Education has a responsibility to provide guidance to school boards in curricula directions and instructional practice to ensure that Ontario's students are instilled with an appreciation and respect for each other's differences. The Ministry must also ensure that the norms and values of Ontario's educational system focus on empathy, critical thinking, and conflict resolution skills. As well, anti-racism and anti-hate policies and practices must be rigorously enforced through monitoring, and requiring strict adherence to, codes of conduct for administrators, teachers, students and parents. In sum, the Ministry, in partnership with school boards and schools, must ensure the creation of an organizational culture and climate where prejudice and hate-motivated behaviour are not tolerated.

In the Working Group's view, it is important that the Ministry's commitment to equitable, supportive and safe environments for all students and staff include a determination to eradicate hate crimes and hate incidents of every kind.

Objective:

Curricula and training development includes community and victim perspectives, and incorporates anti-racism and anti-oppression content.

Attention to curricula is the essential first step in achieving this end. Although some advances have been made, much more needs to be done. To ensure that students learn about and value the various communities (and their diverse histories, cultures and perspectives) that comprise our society, Ontario's educational institutions must integrate an anti-racism and anti-oppression focus in curricula and course content. And even this is not enough. Explicit study of intolerance, prejudice and bigotry – including their impacts and consequences – and of hate and hate crime must be incorporated into curricula, and students must be taught how to identify racism, antisemitism, homophobia, sexism, and so on.

Objective:

Hate incidents in educational institutions (e.g., schools, community colleges, universities) are reported, investigated and remedied.

Two elements are essential in curriculum development to ensure that students fully comprehend hate crimes and hate incidents. First, the perspectives of the communities targeted and affected by hate must be taken into account, and these communities must have a meaningful role in curricula development. This 'empowering' of communities is, in and of itself, an anti-hate measure. Secondly, history and context must be stressed. Children and youth cannot understand and resist hate unless they are aware of the strong prejudices, inequitable relationships and violent events in our past that underpin and, because they have not been dismantled or redressed, help perpetuate hate today. In addition, they must be aware of, and have the ability to analyze, the contexts in which hate crimes and hate incidents occur. The Working Group concluded that, in addition to attending to curricula, schools, colleges and universities must respond appropriately to hate crimes and hate incidents when they occur. Administrators, teachers and counsellors must react promptly and effectively at the first sign of bias, and they must involve students, as well as parents and members of the community, in finding solutions to underlying tensions. If subtle patterns of prejudice and bigotry are not defused, they can escalate into overt expressions and behaviours. Policies and processes must be in place for facilitating formal reporting, investigation and resolution.

In the Working Group's view, all staff in educational institutions, including teachers, administrators, counsellors and security personnel, must be competent to address hate crimes and hate incidents. This competence takes several forms. In addition to having ready access to and familiarity with pertinent policies and processes as well as awareness of available resources and expertise, staff must be knowledgeable about the sources of hate and its various manifestations; they must be able to identify crimes and incidents; and they must have some facility with appropriate conflict resolution strategies and methods. Formal training must be provided to ensure this competence.

Objective:

Professionals who deal with victims (e.g. teachers, police, victim service providers) have a critical perspective, understanding and analysis of the issue.

The Working Group also concluded that formal training is a significant issue far beyond the education system. There are problems with cultural sensitivity and cultural competence among victim service providers, police officers, prosecutors, judges, corrections officers and officials, and other personnel in the justice system. The demographics of the province are such that victims of hate crimes and hate incidents reflect a huge multicultural, multi-racial and socio-economic diversity. This can be challenging at times.

Officials within the justice and victim service systems must receive sufficient training to equip them to meet this challenge. In the Working Group's view, formal training is also required to instil a critical perspective, understanding and analysis of hate, to ensure a rigorous, effective approach, and to improve relationships with communities targeted and affected by hate. The Working Group believes that training modules that have recently been produced and disseminated are inappropriate and inadequate. Part of the problem was lack of community consultation. Community members must have a meaningful role in designing training materials and delivering training.

Recommendations:

The Working Group recommends that:

4.1. The Ministry of Education enhance funding to ensure that school boards can deliver effective ESL and other programs (e.g. African Heritage Programs) attentive to the needs of children from vulnerable communities.

4.2. The Ministry of Education, in consultation with Aboriginal, racialized, religious, LGBTI and other vulnerable communities, develop and enhance curricula for all levels of the elementary and secondary education system in Ontario that:

- address issues of difference and the several possible forms of overt and systemic discrimination;
- illuminate the history, causes and consequences of marginalization and stigmatization that vulnerable groups have faced and continue to face in Ontario and in Canada;
- give students and staff authentic opportunities to learn about diverse histories, cultures and perspectives; and
- provide students with the knowledge, skills, resources and tools necessary to recognize and confront hate, including hate-related bullying.

4.3. The Minister of Education introduce legislation to amend and modify its application of the *'Safe Schools'* provisions of the *Education Act* in line with proposals made in the Ontario Human Rights Commission's report *Paying the Price: the Human Cost of Racial Profiling*, the report of the *Toronto District School Board's Safe and Compassionate Schools Task Force* and the Safe Schools Action Team's report *Safe Schools Policy and Practice: An Agenda for Action*.

4.4. The Ministry of Education and the Ministry of Community and Social Services, in cooperation with appropriate professional associations and licensing bodies, amend requirements such that:

- successful completion of mandatory courses on the history, causes and consequences of hate and bias-motivated behaviour are a requirement for qualification as a teacher, school principal or counsellor or social worker; and
- accredited teachers, school principals and counsellors demonstrate ongoing competence with this subject matter at regular intervals to maintain satisfactory performance ratings.

4.5. The Ministry of Education reaffirm the Ontario government's commitment to Policy/Program Memorandum No. 119 ("*Development and Implementation of*

School Board Policies on Antiracism and Ethnocultural Equity,' July 1993) and use to the full extent its authority under Section 8(1)29.1 of the *Education Act* to ensure that school boards comply with and enforce it.

4.6. All school boards, colleges and universities in Ontario ensure, on an ongoing basis, that their policies and procedures are sensitive and resistant to the risks of stigmatizing or marginalizing vulnerable communities, and that the Ministries of Education and of Training, Colleges and Universities make best efforts to ensure that this takes place.

4.7. The Ministries of Education and of Training, Colleges and Universities, require all Ontario schools, colleges and universities to keep and report annually statistics about hate incident reports and about what action is taken in response to them.

4.8. The Ministry of Education amend its Code of Conduct for schools to make it explicit that hate propaganda and other forms of hate or bias-motivated conduct are unacceptable in Ontario schools, and seriously consider designating such behaviour as cause, province-wide, for suspension or expulsion, provided that the above-mentioned recommendations are implemented.

4.9. The Ministry of Education:

- ensure the production, and dissemination to students, school staff and parents or guardians, of information on victimization and ways of recognizing hate and bias-related incidents;
- ensure that educational institutions at all levels have processes and protocols in place
    - for early preventive intervention in response to discriminatory attitudes and beliefs, and
    - for receiving and responding to reports of hate and bias-related incidents, that students, staff, parents/guardians and communities are aware of and conversant with these processes and protocols, and that incidents are reported, investigated and effectively dealt with;
- develop guidelines to ensure that school teachers', counsellors' and principals' performance reviews reflect any involvement they may have had in hate incidents;
- support and coordinate the establishment, in schools, colleges and universities, of designated support services of children and youth who are victims of hate-related bullying; and
- support and coordinate the efforts of school boards, colleges and universities to prevent and counter hate promoters' attempts to recruit children and youth.

4.10. The Ministries of Education and of Training, Colleges and Universities:

- develop meaningful partnerships with communities vulnerable to hate;
- involve them as fully as possible in all efforts to address the issue; and

- make best efforts to ensure that all Ontario school boards, colleges and universities do the same.

4.11. The Ministries of the Attorney General and of Community Safety and Correctional Services work with the municipal police service boards and the Ontario Chiefs of Police to ensure:

- the development, in collaboration with representatives from communities vulnerable to hate, of comprehensive programs for training in diversity and in hate incident recognition and response;
- the provision of such training, on a regular basis, to
    - ○ all police officers, provincial corrections officers, provincial Crown prosecutors, and their supervisory staffs and
    - ○ all front-line victim service providers employed by the provincial government or by provincially-funded community agencies; and
- that demonstration of ongoing competence in these matters be, for all these individuals, a part of his or her annual performance review.

4.12. The Ministry of Education, work with, as appropriate, school boards, institutions involved in educating system professionals (e.g. teachers, counsellors), and accreditation bodies, to design and deliver, in collaboration with community members ongoing training (i.e. at all stages of their careers) on anti-racism/anti-oppression practice and, more specifically, on recognizing and reporting hate and bias-related incidents and diversity training for teachers, counsellors and administrative staff to better equip them to support victims and witnesses of hate and bias-related incidents, and link performance plans/appraisals to successful completion of this training.

4.13. Given the important role of the judiciary in matters related to offences related to hate crime, this report be forwarded for review to the Offices of the Chief Justices of each level of court in Ontario and to the National Judicial Institute so that it may inform consideration of judicial education in this area.

5. Victim Services

Goal: Enhance and expand services to victims of hate crimes and hate incidents.

Prior to the establishment of the Working Group, some members were unaware of the important work of the Ontario Victim Services Secretariat (OVSS) and two associated agencies - the Office for Victims of Crime (OVC) and the Criminal Injuries Compensation Board (CICB). Now armed with a deeper understanding, the Working Group believes that these bodies have the strong potential to facilitate implementation of the Ontario Government's overall strategy to address individual and community-based victimization and related issues arising from hate crimes.

The Working Group concluded, however, that there are a number of problems in current service delivery. The OVSS falls seriously short in two key areas. First, it was clear to the Working Group that many community-based organizations, groups and vulnerable communities are simply unaware that there are services available to victims of hate crimes through the OVSS. Secondly, the services provided by the OVSS are inadequate to meet the specific needs of communities and victims in regard to hate crimes and hate incidents, particularly those of Aboriginal peoples, LGBTI, and other marginalized, racialized and vulnerable communities.

Objective:

The role of community-based services for victims of hate crimes and hate incidents is recognized as necessary and these services are given sustainable support.

The Working Group concluded that programs and services currently available to meet the needs of victims exclude a vast number of victims and victimized communities. The Working Group's mandate required it to be specifically concerned about the gaps in service provision to victims of hate, and it is very much aware that this gap is mainly filled by community-based organizations. In the Working Group's view, there are several characteristics that make community-based organizations a more viable option and first point of refuge for victims seeking support. They tend to be accessible and are knowledgeable of the victim's and community's needs. They provide culturally appropriate and sensitive response, and have the expertise to tailor services to meet needs. Finally, their independence makes them less intimidating than government-affiliated bodies.

It was clear to the Working Group that Ontario's victim-based communities have different capacities to respond to needs within their respective communities. Some Ontario communities are well resourced with sustainable local and international networks. Their leaders and members often have strong, trusting relationships with governments and in the private and not-for-profit sectors. Such communities set an example in their capacity to respond effectively to the complex demands of political, social, technological and economic change with regard to hate crimes and hate incidents.

At the same time, however, the Working Group remains acutely aware that there are many marginalized communities in Ontario that simply do not have the infrastructure, resources or networks to provide support and assistance to take a stand against hate crimes and hate incidents that are perpetrated in their communities. While such communities, and the organizations that represent them, bring particular expertise in providing crucial support, they are continually under-funded, with many struggling to provide much needed services on precarious budgets.

The Working Group concluded that community-based organizations need recognition of the expertise they hold, and must be accepted as invaluable partners in collaborative responses against hate activities in Ontario. In addition, they require sustainable funding. Predictable and ongoing funding is critical for the development of long-term programs to address the needs of victims and vulnerable communities.

In the Working Group's view, government programs and initiatives established to meet needs of victims and victim communities have proved inadequate, in particular for Aboriginal peoples, the LGBTI community, and racialized and other marginalized

Objective:

Government programs and initiatives serve victims of hate and hate crime in a way that is accessible, flexible, comprehensive, victim centred and sensitive to the needs of diverse communities

communities. To meet the diverse needs of victims of hate across Ontario communities, service provision must be accessible, flexible, comprehensive, sensitive and, above all, victim-centred. There are a number of key steps the government must take to address needs in multi-racial, multi-cultural and multi-faith communities.

First, in the Working Group's view, the government must undertake initiatives to ensure that all communities in Ontario are fully aware of and understand the services it provides. Equally important, it must takes steps to ensure that victim services are accessible to all, particularly in Northern Ontario and in communities outside of urban centres. It must ensure that its service delivery is culturally sensitive and meets the range of linguistic needs beyond English and French, and that service delivery personnel are culturally competent. The Working Group concluded that programs and services should be tailored to appropriately address the unique needs of each community and that the parameters of these services must be expanded to attend to different types of victimization. A 'one size fits all' approach cannot offer effective services to the diverse population of Ontario.

Objective:

Victimized communities are able to respond to their evolving needs.

The Working Group is mindful of the fact that over time the needs of all communities can - and do - change and different communities in Ontario have differing levels of capacity to respond to evolving needs. In the current globalized context, incidents in far-off places can have a devastating impact on the lives of people in Ontario communities. The recent experiences and needs of the Arab and Muslim communities here in Canada whose everyday circumstances have changed so dramatically since 9/11 provide worrying examples of these evolving pressures and demands. The Working Group is also concerned about the racial profiling and pathologizing of specific communities, such as the African Canadian community. At the same time, it is aware that such communities do have the necessary expertise and other social capital to bring to the struggle against hate crimes and hate incidents in Ontario.

The Working Group believes that services for victims (individuals as well as communities) must be developed in collaboration with the communities that are racialized and marginalized. The goal of this collaboration must be to strengthen their organizational capacity to respond to evolving needs and to the systemic impacts of hate crimes and hate incidents that result from the intersection of more than one oppression. Collaborations across communities, between government and communities, and across different sectors can offer appropriate responses to such shifting context and needs.

Recommendations:

The Working Group recommends that:

5.1. The Ministry of the Attorney General (MAG) and the Ministry of Community Safety and Correctional Services (MCSCS), make a fundamental shift in its funding of community-based victim services, moving away from short-term, project-based funding to a commitment of long-term sustainable funding to allow community groups to build programs and internal capacity.

5.2. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services, significantly simplify the grant application process for funding of community-based services, to make it far less time and resource intensive to complete. Onerous processes should no longer discourage resource-limited community-groups from applying for grants.

5.3. The Ministry of the Attorney General ensure that all victim services personnel in government-funded programs or initiatives involving the provision of direct services to victims of crime, receive comprehensive training on hate crimes and hate crime victimization. This training must include competence in cultural norms of diverse communities and cross-cultural communication skills. The content of the training materials is to be developed in consultation with community groups.

5.4. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, ensure that particular attention is paid to establishing, in consultation with Aboriginal communities, targeted services designed for and directed by First Nations, Métis and Inuit Peoples.

5.5. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, provide tailored, individualized services that recognize the individual identity and respond to the personal needs and concerns, values and preferences, and economic and social realities of victims. To do so, the Ministry must create services for specific communities, victims, and age groups.

5.6. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, pilot a range of innovative initiatives and interventions for different communities targeted and affected by hate, or on the basis of specific types of victimization, in order to develop long term diverse strategies and approaches.

5.7. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, expand the parameters of service provision to attend to the diversity of victims and types of victimization and to provide sustained support throughout the 'victimization experience.' Services offered should include: crisis response; counselling and advocacy; supports for participation in justice; human rights and education system processes; victim-offender mediation and reconciliation processes and victim compensation.

5.8. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, enhance government-funded community-based services to increase their sensitivities in responding to all victims of crime, whether or not they choose to report to the police.

5.9. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, design and implement different service delivery methods and use alternative formats to reduce and eliminate barriers to access, such as language and cultural differences, illiteracy, physical disabilities and limitations, poverty and geographic location. One possible option that should be explored is the use of technology-based services for victims in rural areas.

5.10. The Ministry of the Attorney General devise appropriate means to involve victims, both individuals and communities, in the design and development of services. Among other things, such involvement could involve identifying new and emerging issues and challenges and considering options of the kinds of supports to be provided.

5.11. That Ministry of the Attorney General, through the Ontario Victim Services Secretariat, amend the Victim/Witness Assistance Program Policies and Procedures Manual to specify that all victims of hate crimes must be treated as priority clients, including victims of property based hate crimes.

5.12. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, coordinate victim services to strengthen linkages and networks between service bodies to facilitate suitable and timely referrals in situations wherever there is a service gap or the needs of a victim(s) are beyond the capacity, scope or service mandate of an agency or organization.

5.13. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, undertake to recruit, retain and promote a diverse body of victim service staff. Diversity refers to the different ethnocultural, racialized, religious and LGBTI community that are targeted/affected by hate. All staff members will be trained to ensure the have appropriate language and cultural competencies.

5.14. The Attorney General introduce legislation to amend the *Victims' Bill of Rights*:

- To create a legal basis for defining communities and their institutions as eligible for support using monies from the Victims' Justice Fund (s.1).
- To provide that the Victims' Justice Fund could be used to support prevention initiatives (s.5(4)).

6. Justice System

Goal: Secure effective responses and remedies in the justice system.

The Working Group believes that the legal system is a fundamental and essential pillar of any societal response to hate activity. Society has both a moral and legal obligation to ensure that victims of hate crimes and hate incidents are given justice. Victims of hate activity must have access to justice, be protected by the law, and be entitled to appropriate redress. Hate crimes must be punished.

Objective:

Statute and common law provide effective responses to and remedies for victims of hate and hate crime.

The effectiveness of our legal system depends on the adequacy of the substantive law and the processes that attach consequences to hate crimes and incidents and that provide victims with appropriate remedies.

Criminal Law

The Working Group recognizes that legislative changes to the criminal law are a federal responsibility. However, it is within the purview of the Ontario Government to examine the impact of the law and make recommendations to its federal counterpart.

Apart from hate propaganda and hate- or bias-motivated attacks on religious property offences, a hate motivated crime is not a specific offence under the *Criminal Code*. The hate aspect of hate motivated offences affects the outcome of a trial only at the sentencing phase of a trial as an aggravating factor under Section 718.2(a)(i), that is after an accused has been found guilty of an offence under the *Code*. The Working Group is concerned that the absence of a specific hate crime offence undermines the symbolic need to acknowledge the severity of hate motivated crimes. In addition because a hate motivated conviction on its face does not reflect hate, it also undermines transparency and the effective monitoring of hate crimes.

The Working Group thinks that changes adopted in other jurisdictions such as the enactment of distinct classes of criminal offences "aggravated by prejudice" - should be considered in Canada.

The Working Group considers it important that greater weight be given when sentencing offenders to the presence of hatred or prejudice motivation such as an appropriate and clearly specified increase in the length of a sentence.

Human Rights

The human rights regime is a critical forum of civil recourse for victims of hate incidents and other discrimination. The Working Group in adopting a victim-centred approach believes that an effective human rights system requires a strong and well resourced investigative and enforcement body, and meaningful and effective support, representation, access to justice and remedies for victims of hate and discrimination. Given the serious nature of hate incidents, victims of hate need similar levels of institutional support and protection in the human rights system as in the criminal justice system.

We are concerned that, Bill 107, the *Human Rights Code Amendment Act, 2006*, proposes a scheme with a weaker enforcement body that will leave complainants less protected than in the current system. Individual complainants will be deprived of the benefit of the statutory powers of investigation the Ontario Human Rights Commission currently has to investigate their complaints. Already vulnerable complainants who have been victimized by hate cannot and should not be expected to be able to deploy the same resources in investigating their claims that the Commission, under the present system, could.

In addition, the Bill does not guarantee universally accessible legal advice, support, and representation to complainants. Complainants will be deprived of the right to a publicly funded Commission lawyer to prosecute their complaints at a Tribunal.

The Victims' Bill of Rights, 1995

The Working Group notes that provisions in the *Victims' Bill of Rights, 1995*, which imposes civil liability for certain crimes do not include hate crime nor take into account the emotional distress that results from hate crime. The Working Group views this as regrettable, especially because we know that there is distinctive additional emotional distress that typically results from a hate motivated crime.

Criminal Injuries Compensation

The Working Group is concerned that hate crimes such as the hate propaganda offences in the *Criminal Code*, will not qualify as "crimes of violence", under the *Compensation for Victims of Crime Act*. Victims of all hate crimes should be eligible for compensation.

Objective:

Justice system response to hate and hate crime is receptive, sensitive, informed and effective.

An effective justice response to hate incidents requires a proper understanding and recognition at all levels of the justice system of the nature of hate incidents and the severe and profound effect they have on victims and communities, and the timely provision of remedies or punishment.

The sensitivity within the justice system – of judges, decision-makers, police, Crown prosecutors and other counsel - to the realities of individuals and communities that suffer hate is fundamental. This requires an understanding of the historical disadvantage and stigmatization of communities vulnerable to hate, and the ongoing systemic social consequences of racism, homophobia, religious intolerance, and other forms of hate on those communities.

Policing

While there have been efforts by some Ontario police services to develop and enhance their capacity to respond to hate crimes and incidents, the Working Group concludes that responses have not been uniform nor adequate to protect and meet the needs of the victims of hate and their communities. Much more is required to be done to ensure a consistent and appropriate standard throughout the province of competence and sensitivity in dealing with complaints of hate incidents. The reporting of hate crimes must be encouraged and victims must be protected and when they report.

The Working Group is concerned with reports from community members of inadequate and insensitive investigation of hate crimes by the police; their lack of understanding of the nature and impact of hate crimes, racism, homophobia, religious intolerance and other types of discrimination; and their failure to consult and communicate with the communities impacted by hate crimes.

The Working Group has concluded that there must be additional ongoing training for justice system professionals and that existing protocols and procedures, such as outlined in the Policing Standards Manual, be strictly adhered to, in order to increase sensitivity to the needs of victims of hate crimes.

The provisions of the Policing Standards Manual must be implemented province-wide, and dedicated hate crimes units created, to ensure that hate crimes are addressed effectively, in a manner consistent to the needs of victims.

The Working Group is also concerned with the structure and function of Hate Crimes Units in some police services where a single unit of officers is responsible for hate crime and "extremism," and where units are exclusively equipped with intelligence and not investigative functions. We are concerned that communities that are vulnerable to hate incidents are often the same communities that are subject to surveillance on suspicion of extremism. Since September 11, 2001, Muslim and Arab-Canadian communities have attracted great scrutiny and suspicion from security and enforcement officials as being involved in terrorist activity. At the same time, hate crimes against these communities also increased. In these circumstances, assigning the same officers to address hate crime *and* extremism raises great difficulties with the ability to address their needs as victims.

First Nations Police

The Working Group notes the importance of First Nations Constables to Aboriginal communities and the role they play with respect to hate complaints. However, there is little provision for their training in general or with respect to dealing with hate crime allegations, and no provision for civilian oversight of these officers. Special efforts must be taken to ensure that First Nations police receive training comparable to that offered to other police forces.

Police and Crown Protocols

The Working Group feels that work must also be undertaken to ensure that protocols are developed between police and Crown prosecutors to ensure that crimes that may have been motivated by hate are clearly and consistently flagged as such, and appropriately prosecuted.

The Working Group recognizes, as have our Courts and Commissions, that systemic racism and discrimination exist within the Canadian justice system. Many communities consistently raised concerns about their experiences of biased policing, including differential treatment in police investigations of hate crime complaints on the grounds of their race, colour, ancestry, religion, national or ethnic origin or sexual orientation. Aboriginal, African Canadian, South Asian, Arab and Muslim communities spoke to their experiences of racial profiling and other types of mistreatment by the police.

Objective:

The justice system operates in a manner free from individual and systemic bias and discrimination.

The Working Group is severely troubled by the frequency and persistence of these allegations. Everyone, including victims of hate incidents, is entitled to receive police services without discrimination. It is incumbent the police, the Crown and correctional services to recognize the existence of systemic discrimination in our justice system, to address it with effective measures to ensure that all services are provided bias free.

Aboriginal Justice

The Working Group is extremely concerned about the fact that Aboriginal people continue to face criminal charges, and to suffer incidents of hatred, bias and bigotry, with disproportionate frequency. The Working Group urges the Ontario Government to address the plight of the Aboriginal peoples with special attention.

The Working Group knows that in early 2004, the Attorney General announced an Aboriginal Justice Strategy. This is understood to be a consultative process intended initially to address the overrepresentation of Aboriginal peoples in the criminal justice system, but also to help develop ways of learning from, and showing more respect for, traditional and evolving Aboriginal legal arrangements within mainstream society. However, further work must be done to show real commitment to create a justice system that works for Aboriginal peoples.

Correctional Services

The Working Group feels that greater efforts must be made to address racial discrimination and hate incidents that take place in Ontario correctional institutions, especially as these impact on African Canadians and Aboriginal communities.

Private Security

Northern Ontario communities and communities in Toronto spoke of serious concerns with abusive treatment by private security guards, in shopping malls, colleges and elsewhere – that private security personnel often single out for attention, and treat Aboriginals, African Canadian and South Asian youth and Muslims more roughly and with less courtesy.

The Working Group supports the proclamation and implementation of the *Private Security and Investigative Services Act, 2005*. However, we note that regulations must be created to ensure that the new scheme is comprehensive, including the establishment of a Code of Conduct, which should prohibit licenced private security guards from engaging in hate incidents. Once this is in place, victims of hate incidents could file a complaint on the grounds that a private security guard has breached the code.

Objective:

Justice system accountability is ensured through independent, transparent, and effective oversight mechanisms.

The provision of independent, transparent, and accessible mechanisms for dealing with complaints about the provision of services in the justice system is necessary to ensure the effectiveness, even-handedness and responsiveness of the criminal justice system in dealing with hate complaints.

Complaints Processes

The lack of an independent, accountable and transparent public police complaints system in Ontario contributes to the fear and distrust of these and other vulnerable communities. Many communities have long-held concerns about the transparency and the fairness of a process in which the police themselves are the ones investigating their own colleagues. The Working Group views Bill 103, the *Independent Police Review Act, 2006*, which includes the creation of the Independent Police Review Director and independent investigative powers, as a positive measure towards ensuring police accountability and in fostering public trust, and urges that it be passed, with amendments to improve accountability.

The Working Group also feels that the publication of the complaints process for the conduct of a criminal prosecution would give the members of vulnerable communities in Ontario greater reason for confidence in the integrity of the criminal justice system and in that system's sincerity about entertaining complaints about hate incidents.

Communities should have adequate institutional supports to allow them to both intervene effectively on behalf of members of their community within the justice system, and also to provide independent oversight of the justice system.

Recording and Tracking Hate Crime

The Working Group notes that the task of maintaining records of, and tracking, hate crime and hate incidents is complicated by the absence of reliable, statistical information. The Working Group recommends that statistics about hate crime and hate incidents must be recorded, maintained and properly catalogued regularly and uniformly by the government so as to be accessible to the public at all times.

Recommendations:

Effective Responses and Remedies

Criminal Law

The Working Group recommends that:

6.1. The Ministry of the Attorney General give community groups a role throughout criminal justice proceedings, including but not limited to, assisting in the preparation of individual and community victim impact statements.

6.2. The Attorney General study the efficacy of prejudice-aggravated criminal offences in jurisdictions that have enacted them and propose that the Federal/Provincial/Territorial Justice Ministers' Conference seriously consider endorsing enactment in the *Criminal Code* of such offences.

6.3. The Ministry of the Attorney General study, and report to the Attorney General, within six months, on ways to strengthen the impact in sentencing of hate or prejudice motivation, including sentencing guidelines and legislative amendments.

Ontario Human Rights Commission

The Working Group recommends that:

6.4. The Attorney General propose, before third reading, amendments to Bill 107 that:

- will allow complainants to opt for the Ontario Human Rights Commission to investigate their complaint with the full benefit of statutory powers of investigation;

- guarantee to all complainants a publicly funded lawyer at all Tribunal proceedings;

- strengthen the Ontario Human Rights Commission's powers to initiate and bring systemic complaints; and,

- equip the Ontario Human Rights Commission with powers of investigation and/or public inquiry to carry out effectively its systemic complaints mandate.

6.5. The Attorney General ensure that the Commission has the dedicated resources, and the mandate, to research and recommend ways of preventing and eliminating systemic discrimination and thereby increasing the likelihood that hate crimes will be reduced.

6.6. The Attorney General take account of the whole of this report in funding and designing the mandates of the Commission and any legal representation scheme that is established with a view to making full use of both these organizations in implementing the Working Group's recommendations.

Civil Actions

The Working Group recommends that:

6.7. The Attorney General amend O.Reg. 456/96 to ensure any person convicted of any hate crime, as defined in this report, is liable, pursuant to Section 3 of the *Victims' Bill of Rights*, to his or her victim for the emotional distress and related bodily harm resulting from commission of the crime; and introduce legislation to provide that Section 3(2) of the *Victims' Bill of Rights* ensures that all victims of hate crime, as defined in this report, are presumed to have suffered emotional distress for purposes of Section 3(1).

6.8. The Attorney General, in cooperation with Legal Aid Ontario and, as appropriate, the Law Foundation of Ontario, ensure:

- civil actions against perpetrators for hate incidents are eligible for funding through legal aid certificates or legal clinics, as appropriate, in circumstances where plaintiffs meet the usual financial eligibility criteria and their actions, if funded, have a reasonable prospect of success; and

- Legal Aid Ontario receives such additional funding as may be needed to support such initiatives without prejudice to its existing funding mandate.

6.9. The Attorney General introduce legislation to amend Section 13 of the *Legal Aid Services Act, 1998*, and the Lieutenant Governor in Council makes such changes to existing regulations, as may be necessary to remove any current statutory impediments to implementation of this recommendation.

Criminal Injuries Compensation

The Working Group recommends that:

6.10. The Attorney General introduce legislation to amend the *Compensation for Victims of Crime Act* to render eligible for criminal injuries compensation all victims of hate crime, as defined in this report, who suffer injuries or losses otherwise compensable under the Act.

Receptive, Sensitive, Informed and Effective Responses

Policing

The Working Group recommends that:

6.11. The Ministry of Community Safety and Correctional Services in consultation with the municipal police service boards and the Ontario Association of Chiefs of Police, and with others as appropriate:

- Review the existing protocols for dealing with hate/bias crime and hate propaganda recommended in the Policing Standards Manual and revise these protocols as may be necessary and appropriate within the next 12 months.
- Urge all police services boards in Ontario to work with the Chief of Police to ensure implementation of the *Policing Adequacy and Effectiveness Regulation* (12)1, stipulating procedures and process for dealing with hate propaganda and hate or bias motivated crime, within the next 12 months.
- Urge all police services in Ontario to observe and be subject to the relevant protocols in the *Policing Standards Manual*, revised as appropriate in accordance with this report, unless and until the Ministry has approved its proposed procedures for dealing with such offences.
- Ensure that these protocols and procedures constitute enforceable standards in respect of the performance of the various relevant police services.

6.12. The Ministry of Community Safety and Correctional Services urge municipal police service boards to ensure that:

- Each police service has sufficient officers available on staff with special hate crime expertise to serve as resources to the rest of the police service and to deal with those hate incident allegations that require special expertise or special sensitivity.
- Each police service ensure that specialized dedicated hate-crimes units are established and have a clear mandate with sufficient resources to engage in properly executed police investigations.
- Each police service make public, on an ongoing basis, the resources it has available for responding to and investigating hate incident

allegations and the easiest and most appropriate ways of obtaining access to those resources.

- Each police officer in a police service have and accept responsibility for dealing, sensitively and competently, with the hate incident allegations brought to his or her attention, whether or not that police service has a dedicated hate crime unit.
- Each police service make best efforts to ensure that all individuals in its local area are able to report crimes, and hate crimes or incidents in particular, in the languages in which they are most comfortable.

6.13. The Ministry of Community Safety and Correctional Services and municipal police services boards make best efforts generally to improve the relationship, and to facilitate trust and cooperation, between law enforcement authorities and vulnerable communities.

Police Training

The Working Group recommends that:

6.14. The Ministry of Community Safety and Correctional Services urge municipal police service boards to:

- Ensure that each new police officer appointed to a police service in Ontario receives training, and demonstrates baseline competence, before appointment, in
    - the recognition, prevention, investigation and enforcement of hate crime as defined in this report;
    - the historical and other factors that have given rise to manifestations of hate and prejudice toward vulnerable communities;
    - the specially damaging impact on such communities and their members of hate incidents and hate crimes, and
    - anti- discrimination such as anti-racism and other oppressions.
- Ensure that each police officer has ample ongoing opportunities within the police service for refreshing or deepening his or her understanding of hate crimes, hate phenomena, and the people who suffer them.
- Ensure that such training is developed in consultation with anti-discrimination experts and with affected communities, and appropriate evaluation mechanisms are put in place.
- Explore mechanisms to ensure that staff maintain their competence in these areas.

6.15. The Ministry of Community Safety and Correctional Services in cooperation with municipal police services boards, and consistent with the authorities set out in the *Police Services Act*,

- ensure that the OPP has the financial resources necessary to implement these recommendations; and
- urge all municipal police services in Ontario to commit the financial resources necessary to implement these recommendations.

First Nations Police

The Working Group recommends that:

6.16. The Ministry of Community Safety and Correctional Services consult actively with First Nations authorities in the province about appropriate training and conduct standards for individuals appointed as First Nations constables.

6.17. The Ministry of Community Safety and Correctional Services make best efforts to ensure, pending and subject to the results of those consultations, that persons appointed as First Nations constables

- receive the same training in hate crime matters, including the additional training recommended in this report,
- be subject to the same requirements recommended in this report of demonstrated ongoing competence in hate crime policing issues, and
- be given the same authority and be subject to the same standards of conduct in policing as all other persons appointed as police officers in Ontario, and that all First Nations police services have dedicated hate crime expertise and capacity.

6.18. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services make best efforts to ensure, after appropriate consultation with First Nations authorities, the implementation and publicizing of fair procedures for receiving, processing and disposing of public complaints about First Nations police services or the conduct of individual First Nations constables.

Crown and Police Protocols

The Working Group recommends:

6.19. That the Ministries of the Attorney General and Community Safety and Correctional Services develop, in consultation with Crown Attorneys' offices and police services, a standard, easily recognizable way of identifying criminal investigation files as cases that may be appropriate for prosecution as hate crimes;

- that police services thereafter identify, in this prescribed way, cases that may be appropriate for prosecution as hate crimes:
  - ○ all cases in which the complainant has characterized the incident as a hate crime or hate incident, as defined in this report, and

    - all other cases in which there is evidence suggesting that an incident giving rise to criminal charges may have been a hate crime, as defined in this report; and

- that steps are taken to ensure that all Crown prosecutors have a full and complete knowledge of the components of the *Crown Policy Manual* dealing with hate and discrimination and, in particular, the *Practice Memorandum on Hate Crime*, and ensure that these practices and guidelines are applied consistently across the province.

Preventing Bias and Discrimination

Aboriginal Justice

The Working Group recommends that:

6.20. The Attorney General reaffirm publicly the government's commitment to the Aboriginal Justice Strategy and clarify the Strategy's mandate and the government's vision for the Strategy.

6.21. The Ministry of the Attorney General ensure:

- that the Aboriginal entities participating in the Aboriginal Justice Strategy receive sufficient funding to support meaningful participation in the process, and, more generally,
- that the Strategy receives sufficient resources of all kinds to enable it to achieve its objectives.

6.22. The Ministry of the Attorney General, in cooperation, as appropriate, with Legal Aid Ontario and in consultation with appropriate First Nations and Métis organizations in the province, create mechanisms to ensure that all Aboriginal peoples, including those who are incarcerated, have access to knowledgeable, culturally appropriate legal advice and representation when charged with offences or when victimized by hatred, prejudice or bigotry.

Corrections

6.23. The Ministry of Community Safety and Correctional Services increase its efforts to address and eliminate overt and systemic racism in the Ontario correctional service and within Ontario's correctional institutions.

Accountability Mechanisms

Complaints Processes

The Working Group recommends that:

6.24. The Attorney General, and the Ontario government as a whole, proceed expeditiously with the enactment of Bill 103, the *Independent Police Review Act, 2006*. The Bill should be amended to ensure that the Office of the Independent Police Review Director itself investigates all public complaints involving issues of race, religion, ancestry, sexual orientation or other fundamental and visible personal characteristics, except where complainants request or consent to some other investigation arrangement that the Bill contemplates.

6.25. The Ministry of the Attorney General, Criminal Law Division, take steps to publicize the recently introduced *Criminal Law Division Practice Memorandum* entitled "Complaints Process" so that victims of hate crime can obtain information on how to make a complaint regarding a criminal prosecution, and about the procedure for addressing such a complaint.

Private Security

The Working Group recommends that:

6.26. The government implement the *Private Security and Investigative Services Act*, 2005 and:

- enact regulations under the *Act* that disqualify from license eligibility as a security guard any individuals found to have perpetrated hate incidents or hate crimes as defined in this report or to have contravened Ontario's *Human Rights Code* or the *Canadian Human Rights Act*, and
- provide that the code of conduct for private investigators and security guards prohibit them from carrying out their duties in ways that contravene the *Criminal Code*, or the *Human Rights Code* or that otherwise marginalize or stigmatize individuals on the basis of the kinds of personal characteristics identified in the Working Group's definition of hate crime.

Tracking Hate Crimes

The Working Group recommends that:

6.27. The Ministries of the Attorney General and of Community Safety and Correctional Services in collaboration with police services boards and representatives from the Ontario Association of Chiefs of Police and the Canadian Centre for Justice Statistics, develop within the next 12 months, standard forms and procedures for collecting and keeping statistics on hate incidents reported to the criminal justice system and that police services and Crown attorneys' offices keep statistics on all such incidents and report them annually to the two Ministers and the public.

- That these forms and procedures be designed to capture, at a minimum, all incidents that complainants have identified as hate crimes or hate incidents and all incidents for which there is evidence that suggests that they may qualify as hate crimes or hate incidents (as defined in this report), and, in respect of all such incidents:
    - what investigation was undertaken;
    - what charges, if any, were laid;
    - why charges were not laid;

  - what other charges might reasonably have been laid in the circumstances but were not and why they were not;
  - whether any charges laid proceeded to trial and if they did not, why they did not;
  - what the disposition of the charges was;
  - whether, if the accused was convicted, the Crown raised hate or prejudice as an aggravating factor in sentencing;
  - whether, in such instances, the court took hate or prejudice explicitly into account as an aggravating factor in sentencing; and what the sentence, if any, was.

- That police services and Crown Attorneys' offices begin, once these forms and procedures are in place, keeping statistics on all such incidents and report them annually to the two Ministers, the Hate Crimes Governance Committee (recommended below) and to the public.
- That the Ontario government enact regulations requiring that such statistics be kept and made available as indicated above.

6.28. The government of Ontario introduce such changes to regulations or to legislation as may be required to give effect to these recommendations.

6.29. That the Ministry of Community Safety and Correctional Services exercise such authority as it possesses to assist in bringing about these transformations.

7. Public Awareness and Social Marketing

Goal: Transform public awareness, understanding and response to hate and hate crime.

The Working Group believes that it is of critical importance to mount a public awareness and social marketing campaign against hate crime and hate incidents with the main purpose of influencing social change in relation to these issues. The transformative power of such a campaign will reside in its ability to make certain attitudes and behaviours socially unacceptable.

Objective:

The public recognizes and understands the various ramifications of hate and hate crime and is aware of their differential impact on victimized communities.

Effective public awareness and social marketing campaigns to promote behavioural change in the public arena have been conducted for centuries. One of the greatest success stories in Canada has been the campaign against domestic violence. As with hate crimes and hate incidents today, only a few decades ago domestic abuse was mainly ignored and not treated as a serious crime. The Working Group urges the Ontario

Government to pay close attention to the strategies and best practices modeled by the social marketing campaigns against domestic violence, in designing one to address hate crimes.

The Working Group advises that an anti-hate campaign select its messages and media with their intended audience in mind, targeting both adults and young people and incorporating contemporary and creative strategies to prevent hate crimes and hate incidents over the long term. The Working Group recommends that such a campaign must focus on strategies that promote and endorse values of equity and mutual respect in order to make a significant impact on the very young children. The more diverse the campaign, the more effective it will be.

Objective:

The public understands the historical context and pervasiveness of hate and hate crimes and their systemic dimensions

The Working Group is very cognisant that different communities experience hate crimes and hate incidents differently and with differential impacts, and that there are many communities where hate does not manifest itself publicly or on a grand scale.

The Working Group believes that, in order to create a united public front against hate crime and hate incidents, the public must recognize hate in all of its forms and consequences. This process of recognition must begin with a shared understanding of how hate is expressed. The success of such a campaign will depend on the meaningful inclusion of, and representation from, victimized communities.

Objective:

The public understands the effect of hate and hate crimes on society, and is aware of how to respond to incidents of hate and bias crime.

The Working Group concludes that articulating a clear and public commitment to ending hate crimes and hate incidents is one of the most compelling and cost-effective messages that that can be conveyed by the Ontario Government and that it must be championed by key government figures. It advises the government to examine the initiatives adopted in other countries to creatively address such problems.[3]

The Working Group fully understands that raising consciousness about hate crimes and hate incidents must go hand in hand with empowering people to deal constructively with them. An effective social marketing campaign should provide straightforward information on actions that can be taken, including options available to a victim or witness who wishes to report hate activity.

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[3] One such example is the use of "edutainment" by the South African government in order to raise awareness about HIV/AIDS among pre-adolescents. A successful example is that of 'Soul City,' a multimedia edutainment strategy that has been running since 1994 and has had phenomenal success in penetrating even the most rural parts of South Africa. Soul City uses five media channels (television, radio, newspapers, public relations/advertising and education packages) to convey health and social messages through the basic format of a soap opera. The program has been used to convey various "pro-social" messages, including the empowerment of women, and HIV messages have appeared in each of the three series. Independent evaluations have shown significant changes in self-reported behaviours of viewers, including an increase in the usage of condoms.

Recommendations:

The Working Group recommends that:

7.1. The Ontario Human Rights Commission, in collaboration with the Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services, launch a cross-ministerial, large-scale social marketing campaign focused on hate and bias-related incidents in everyday life (i.e. in schools, workplaces and neighbourhoods).

- The ultimate aim of such a campaign will be to promote behavioural change through the stigmatization of hate-motivated activity.
- Attention will be focused on the effects of hate crimes on individual well-being, the safety and viability of vulnerable communities, and their corrosive impact on society as a whole.
- This campaign should also highlight that the impact of hate varies from group to group, depending on how vulnerable they are. It is essential to ensure that vulnerable communities are consulted when developing the messaging for the campaign.

7.2. The Ministry of the Attorney General expand and enhance the education and prevention mandate of the Ontario Human Rights Commission, and ensure that it continues public education efforts.

7.3. The Ontario Human Rights Commission, in collaboration with the Ministry of the Attorney General, and the Ministry of Community Safety and Correctional Services, commits itself to producing and disseminating high quality information and resources to provide clear, incisive definitions of hate activity.

- Include in this effort the distribution of information and resources regarding victims' rights, third party intervention, and processes/procedures for reporting and responding to hate crimes/incidents.
- Solicit and incorporate community input with regards to the substance of the resource materials, and to ensure that the information is shared in a manner that will be useful and accessible to members of vulnerable communities.
- Translate such materials into the appropriate languages to promote accessibility.

7.4. The Ontario Human Rights Commission, in collaboration with the Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services, study and then publicly make recommendations to media bodies about the role that can and should, be played by media to educate and sensitize the public to hate.

- The Attorney General should also undertake a serious examination of media coverage of hate related activity/occurrences and encourage the responsible, accurate media coverage of hate crimes/incidents.
- In relation to this recommendation, the development of ethical guidelines for columnists should be considered.

7.5. The Ontario Human Rights Commission facilitate or provide public meetings where contentious issues related to hate can be discussed.

7.6. The Government of Ontario accord public recognition to Ontarians who protect hate crime/incident victims and/or report crimes/incidents to appropriate authorities, and to innovative activism that has had a positive effect.

> "I felt I was victimized simply because of my race. I found myself asking questions –'why did the officer treat me like this? Is it my accent? My colour? My immigration status? Because I am Arabic? Because I am Muslim?' – I have lost my sense of security entirely"
>
> Arabic Muslim Male, Victim of assault, Greater Toronto Area

> "I was shocked and felt violated. You know that racism and hate are there, but this was different – it was a personal violation – and delivered right to my home. Just because it's not happening to you, doesn't mean it's not out there."
>
> Jewish Male, Victim of antisemitic hate mail, Thornhill Ontario

8. Implementation and Accountability

The Hate Crimes Community Working Group has consulted extensively on the development of a comprehensive strategy to address hate crimes and hate crime victimization. It has also set out a series of integrated recommendations designed to achieve these broader objectives. For this advice to be meaningful, however, the proposed strategy must be implemented in a logical, timely and effective fashion. In addition, there must be credible mechanisms in place to monitor and evaluate how well and rapidly the proposed measures are adopted.

In order to achieve real progress in addressing hate crimes and hate incidents, credible structures must be established and sustainable funding identified to support them. In addition, the Working Group believes that it is critical that communities affected by hate play a key role in developing the policies and services that will underpin the new strategy. They must also have a place at the table to ensure that the new ideas are implemented in a way that recognizes their pivotal interest in the outcomes.

Goal: Ensure timely and comprehensive implementation of the Hate Crimes Community Working Group strategy and recommendations with measurable outcomes.

Structures

Enduring structures must be created to ensure the overall implementation of the strategy and the specific recommendations that form part of it. These structures must integrate multiple sectors, and embrace the community, the private sector and government bodies involved with hate crimes. This approach is necessary to ensure stakeholder buy-in, and to promote accountability among all responsible organizations. Although these structures may take many forms, the Working Group believes that the model recommended in this report would ensure effective implementation and oversight.

The Working Group understands that there are a number of Ministries within the provincial government that would be responsible for implementing various components of the strategy. On this basis, the Working Group recommends that a senior-level Interministerial Committee be established to oversee the horizontal implementation of the recommendations directed to government. This working group, would provide progress reports on a semi-annual basis to the Office for Victims of Crime (OVC) until a more permanent structure (as described below), is put into place.

Objective:

Appropriate structures are in place to ensure implementation, monitoring and evaluation of the hate and hate crime strategy.

Among the bodies to be represented on this group are the Ministries of the Attorney General, Community Safety and Correctional Services (both the police and corrections divisions of the Ministry), Citizenship, Education, and Training, Colleges and Universities. In addition, a member of the Ontario Human Rights Commission

(OHRC) with expertise in hate-related issues should also participate. The Interministerial Committee would be accountable to a designated deputy minister.

The Working Group also wishes to stress the importance of involving community organizations in the implementation of its strategy. Accordingly, the Working Group recommends that a joint government-community structure be established to provide advice to the Government on the implementation of the strategy and the co-ordination of multi-sector hate crimes programs and services. This group, to include community members, representatives from the private sector and government officials, would reflect the diversity of Ontario communities, and include representatives with knowledge of hate issues from the perspective(s) of affected communities, and knowledge of and experience in justice and education. It could be called the Hate Crimes Governance Committee ('the Governance Committee').

The Governance Committee would operate at arm's length from the government, and report to the Attorney General and the Minister of Community Safety and Correctional Services. It would, among other things, assess the impacts of hate on communities, coordinate and fund joint community and government initiatives, and monitor implementation of the strategy. It would also serve as a resource for community and government organizations regarding hate issues (e.g. for joint training) and facilitate information sharing. Finally, it would engage elements in the private sector, as appropriate, in addressing hate crime.

The Working Group also believes that there is a need for the government to fund a 'grass-roots' Community Hate Crimes Network, which would occur through the Governance Committee and other sources. This group would facilitate contacts between different communities, co-ordinate training, share information and best practices, and identify and address common challenges within and among communities. The Chair of this group would be appointed as a member of the Governance Committee.

Once the Governance Committee was established, it would liaise with the Interministerial Committee and with the Community Hate Crimes Network and report to the Attorney General and the Minister of Community Safety and Correctional Services. It would also consult with the OVC and the OHRC in the preparation of its advice to the Ministers.

Since it will take time to establish the Governance Committee and Network, the Working Group recommends that, in the interim, the Government charge the OVC with overseeing the implementation of the initial stages of the strategy. To bolster the ability of this agency to undertake this specialized assignment, the Working Group further recommends that the Government immediately appoint a new member to the OVC with significant community-based experience in hate crimes issues. Since the OVC consists of part-time members, the Attorney General should also ensure that the Ministry devotes sufficient resources to enable the OVC – and the designated community member – to undertake its work in a timely and effective fashion.

The interim and longer-term structures are depicted pictorially at the end of this section.

Resources

The Working Group believes that, to date, the major impediment to developing capacity among community organizations has been the lack of sustainable funding. Despite the valiant work that has been undertaken by community groups to develop public awareness materials and to pilot innovative projects to assist victims of hate, there has been virtually no funding provided by government or community granting agencies to address hate or hate crimes on an ongoing basis. This outcome stands in sharp contrast to the funding of government-based victims' programming, where expenditures have increased significantly over the last decade.

Objective:

Adequate resources are allocated to support and sustain implementation of the hate and hate crime strategy

The Working Group recognizes that funding for victim services is finite, and that there are other categories of crime victims with important needs. However, the funding and services provided to hate crime victims have, historically, been much less comprehensive than those offered to other victims' groups.

On this basis, the Working Group applauds the Ontario Government's decision to allocate $1.35 million from the Victims' Justice Fund (VJF) to enhance programming for this under-served victims' group. The Working Group believes that this funding should be offered to community groups to enhance their capacity to offer services to hate crimes victims and to build linkages between them.

The Working Group further recommends that these funds be allocated on a competitive basis and that the Governance Committee be responsible for selecting the meritorious grants. It also understands that the Government has allocated $6.0 million in funding for the 2007/08 community grants process and that one of the funding priorities relates to victims of hate crime. The Working Group believes that the Governance Committee should have oversight responsibility for the hate crimes funding allocation to ensure that funds are used in the most comprehensive way possible.

The Working Group notes, however, that the funds in question are time-limited in nature. On this basis, they would not be available to provide the sustainable funding which has been identified as a critical success factor for the hate crimes strategy. On this basis, the Working Group recommends that the Government identify and allocate a stream of sustainable funding from the VJF to fund the ongoing work of the Governance Committee, as well as related initiatives necessary to achieve the objectives identified in this strategy.

Accountability

The Working Group recognizes that significant work must be undertaken both within government and communities to effectively implement this strategy. This work must, however, be buttressed by the collection of meaningful statistics, effective monitoring, the establishment of performance measures and a well-thought out approach to evaluation.

Objective:

All agencies, institutions and organizations responsible for components of the strategy are held accountable for their effective implementation

The Working Group believes that the Governance Committee would be best suited to develop the necessary protocols and agreements with participating organizations. It also recommends that the progress achieved in meeting the strategy, and accompanying performance measures, be shared with the public on at least an annual basis. Such a disciplined approach will help to maintain project momentum and ensure that public funds have been spent wisely.

Recommendations:

The Working Group recommends that:

With respect to structures:

8.1. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services establish a Hate Crimes Governance Committee.

8.2. The Governance Committee will:

- be comprised of government officials, community members who reflect the diversity of Ontario communities and representatives from the private sector;
- include representatives with knowledge of hate issues from the perspectives of affected communities; and
- include representatives with knowledge of and experience in justice and education.

8.3. The role of the Governance Committee includes the following:

- To provide oversight, monitoring and evaluation of implementation of the strategy.
- To liaise with the Community Hate Crimes Network, government, the Office for Victims of Crime, and the Ontario Human Rights Commission, on hate crimes issues and implementation of the strategy.
- To assess the effectiveness of hate crimes reduction strategies.
- To engage elements in the private sector, as appropriate, in addressing hate crime.
- To assess the impacts of hate on communities.
- To coordinate and fund joint community and government initiatives.
- To provide advice to Government on allocation of Victims' Justice Fund monies targeted to hate crimes initiatives, in particular recommending grants for community-based initiatives.
- To review proposed changes to laws, policies, programs and procedures regarding hate and hate crime.
- To develop necessary protocols and agreements with participating organizations implementing the strategy.

8.4. The Government of Ontario establish an Interministerial Committee, with representatives from all affected ministries, to oversee the horizontal implementation of the Working Group's strategy.

8.5. The Ministry of the Attorney General ensure appointments with community experience in hate crimes to the Office for Victims of Crime and otherwise enhance the diversity of its membership.

8.6. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services give the Office for Victims of Crime responsibility for monitoring implementation of these recommendations until such time as the Governance Committee is in place, and provide appropriate resources to the Office for Victims of Crime to enable it to undertake this role.

8.7. The Attorney General make reference to the Working Group's report, including its strategy and recommendations, when meeting with colleagues from other jurisdictions at upcoming Federal/Provincial/Territorial meetings, and propose that a new FPT Working Group be established to address the prosecution and prevention of hate crimes.

With respect to resources:

8.8. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services provide sufficient and sustainable funding, including monies from the Victims' Justice Fund, to resource initiatives referenced in this strategy.

8.9. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services allocate sufficient funding from the Victims' Justice Fund in 2006/2007 and 2007/2008 for the Hate Crimes Governance Committee and the Community Hate Crimes Network, insofar as they support victim services.

8.10. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services commit $1.35 M already allocated from the Victims' Justice Fund for hate crimes, to a project grant program, with the Governance Committee having oversight responsibility.

With respect to accountability:

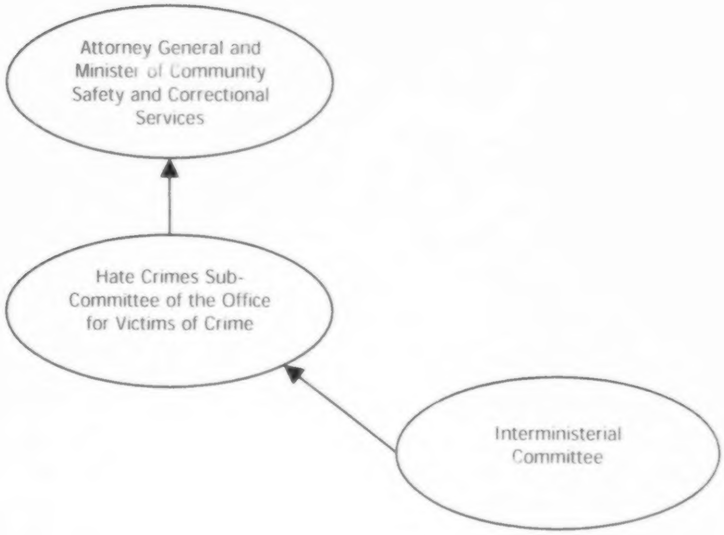
8.11. The Interministerial Committee be required to liaise with the Governance Committee, to report on the steps the Government is taking to implement the strategy and on other issues of interest, and to hear from the Governance Committee about stakeholders' concerns.

8.12. The Governance Committee liaise with the Community Hate Crimes Network, the Interministerial Committee, the Office for Victims of Crime and the Ontario Human Rights Commission to ensure that the strategy is implemented and evaluated.

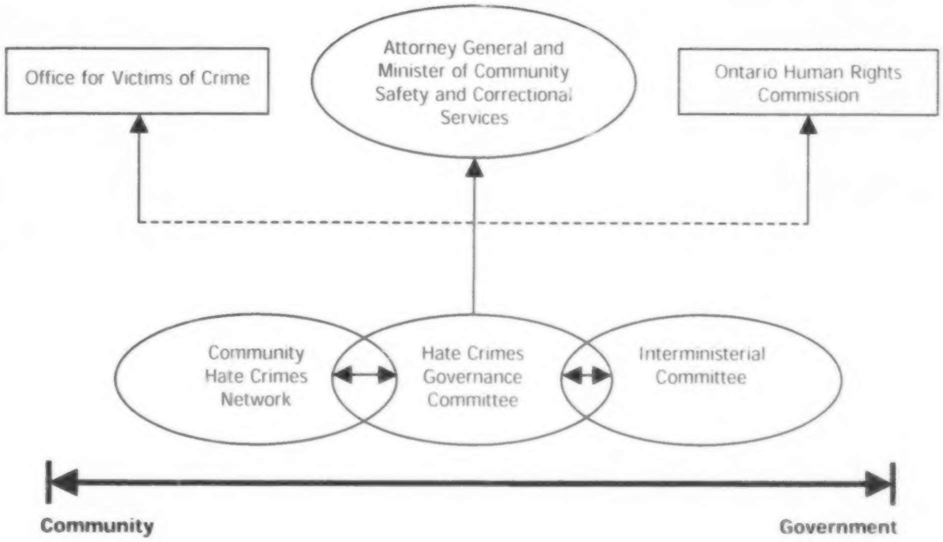
8.13. All recipients of Government funding for initiatives to address hate or hate crime enter into formal agreements regarding the use of the funds, and provide regular reports on the results of the funded initiatives.

8.14. The Ontario government ensure that these recommendations are addressed on a priority basis.

Short-Term Implementation Structures


Attorney General and Minister of Community Safety and Correctional Services
Hate Crimes Sub-Committee of the Office for Victims of Crime
Interministerial Committee

Long-Term Proposed Implementation Structures


Office for Victims of Crime
Attorney General and Minister of Community Safety and Correctional Services
Ontario Human Rights Commission
Community Hate Crimes Network
Hate Crimes Governance Committee
Interministerial Committee
Community
Government

summary of recommendations

1. Definitions

Goal - Establish a shared conceptual foundation for hate incidents and hate crimes across government and in communities.

Objectives:

- The definitions of hate incidents and hate crimes are contextualized and cognizant of the marginalization and disadvantage of victimized communities.
- Common definitions of hate incidents and hate crimes are adopted by government, police services and communities.

Recommendations:

1.1. The Ontario Government:

- adopt a standard definition of "hate incident" and "hate crime" for all public purposes in the province, including victim services, criminal justice, statistical classification, public education, and policy and program development, and program and project funding allocation; and
- urge the federal government to adopt these same definitions for all public purposes nationwide.

1.2. The Ontario Government propose and adopt the following definitions for these purposes:

- "'hate incident' means any act or omission, whether criminal or not, that expresses bias, prejudice, bigotry or contempt toward a vulnerable or disadvantaged community or its members. A 'vulnerable or disadvantaged community' is any group or community identified as such on the basis of characteristics protected by *The Canadian Human Rights Act*, the *Ontario Human Rights Code*, *Criminal Code of Canada*, and Section 15(1) of the *Canadian Charter of Rights and Freedoms* (*Charter*);
- "'hate crime' means any criminal offence committed against a person or property that is motivated, in whole or in part, by bias or prejudice based on real or perceived race, ancestry, national or ethnic origin, language, colour, religion, gender, age, mental or physical disability, sexual orientation or any other similar factor, whether that of a victim or that of associates with whom a victim is closely affiliated. 'Any other similar factor', as specified in the

Criminal Code, is to be interpreted, for this purpose, in a manner similar to 'analogous grounds' in Section 15(1) of the *Charter*.

2 Aboriginal Peoples

Goal - Recognize and respect the unique historical, constitutional and current position of Aboriginal peoples.

Objectives:

- A distinct and targeted approach is taken to understanding and addressing Aboriginal victimization.
- Urgent attention is given to Aboriginal victims of hate incidents and hate crimes.

Recommendations:

2.1. The Ontario Government undertake a distinct Aboriginal Strategy to end hate crimes and hate incidents directed towards Aboriginal peoples and their communities. The Strategy should meet the following criteria:

- The Strategy is designed, developed and implemented in collaboration with Aboriginal peoples and communities across Ontario.
- Appropriate linkages are established between this strategy and the Aboriginal Justice Strategy which is directed toward improving and strengthening the Canadian justice system's response to Aboriginal peoples, and examining opportunities to support the development and delivery of Aboriginal traditional and community-based approaches to justice.
- Funding for the strategy is long-term and consistent, and includes sufficient resources for substantive work with schools and in classrooms.
- The strategy includes a strong public education component about the origins and effects of hate crimes and hate incidents, as well as collaborative initiatives that bring Aboriginal peoples into dialogue with other communities to deepen understanding of the unique histories and rights of Aboriginal peoples in Canada.

3 Communities

Goal - Empower and integrate communities into all systems and services relating to hate crime.

Objectives:

- Victimized communities have the capacity to deal with hate incidents and hate crimes by having access to sustainable funding and support for services, programs and initiatives.
- Vulnerable communities are adequately and meaningfully represented on institutions and partnerships.

- Opportunities exist and are strengthened for networks, community partnerships, coalitions and capacity building.

Recommendations:

3.1. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services provide sufficient funding and additional resources to community organizations throughout the province to:

- create necessary institutional supports within communities;
- strengthen relationships between community organizations;
- collect and publish their own statistics of hate related incidents in their communities, and support community-based research initiatives;
- assist and support victims of hate crimes and hate incidents through the justice system; and
- create distribution channels so community organizations can disseminate the research and products they have produced.

3.2. In collaboration with community-based organizations, the Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services create and strengthen networks for:

- sharing information, research and best practices between community organizations and government.
- understanding the scope of hate activity and incorporating community research and data collection, statistics, and resource materials when creating similar products.

4. Education and Training

Goal - Implement effective education and training to address and prevent hate and hate crime victimization.

Objectives:

- Curricula and training development includes community and victim perspectives and incorporates anti-racism and anti-oppression content.
- Professionals who deal with victims (e.g. teachers, police, victim service providers) have a critical perspective, understanding and analysis of the issue.
- Hate incidents in educational institutions (e.g. schools, community colleges, universities) are reported, investigated and remedied.

Recommendations:

4.1. The Ministry of Education enhance funding to ensure that school boards can deliver effective ESL and other programs (e.g. African Heritage Programs) attentive to the needs of children from vulnerable communities.

4.2. The Ministry of Education, in consultation with Aboriginal, racialized, religious, LGBTI and other vulnerable communities, develop and enhance curricula for all levels of the elementary and secondary education system in Ontario that:

- address issues of difference and the several possible forms of overt and systemic discrimination;
- illuminate the history, causes and consequences of marginalization and stigmatization that vulnerable groups have faced and continue to face in Ontario and in Canada;
- give students and staff authentic opportunities to learn about diverse histories, cultures and perspectives; and
- provide students with the knowledge, skills, resources and tools necessary to recognize and confront hate, including hate-related bullying.

4.3. The Minister of Education introduce legislation to amend, and modify its application of the *'Safe Schools'* provisions of the *Education Act* in line with proposals made in the Ontario Human Rights Commission's report *Paying the Price: the Human Cost of Racial Profiling*, the report of the *Toronto District School Board's Safe and Compassionate Schools Task Force* and the Safe Schools Action Team's report *Safe Schools Policy and Practice: An Agenda for Action*.

4.4. The Ministry of Education and the Ministry of Community and Social Services in cooperation with appropriate professional associations and licensing bodies, amend requirements such that:

- successful completion of mandatory courses on the history, causes and consequences of hate and bias-motivated behaviour are a requirement for qualification as a teacher, school principal or counsellor or social worker; and
- accredited teachers, school principals and counsellors demonstrate ongoing competence with this subject matter at regular intervals to maintain satisfactory performance ratings.

4.5. The Ministry of Education reaffirm the Ontario government's commitment to Policy/Program Memorandum No. 119 ("*Development and Implementation of School Board Policies on Antiracism and Ethnocultural Equity*," July 1993) and use to the full extent its authority under Section 8(1)29.1 of the *Education Act* to ensure that school boards comply with and enforce it.

4.6. All school boards, colleges and universities in Ontario ensure, on an ongoing basis, that their policies and procedures are sensitive and resistant to the risks of stigmatizing or marginalizing vulnerable communities, and that the

Ministries of Education and of Training, Colleges and Universities make best efforts to ensure that this takes place.

4.7. The Ministries of Education and of Training, Colleges and Universities, require all Ontario schools, colleges and universities to keep and report annually statistics about hate incident reports and about what action is taken in response to them.

4.8. The Ministry of Education amend its Code of Conduct for schools to make it explicit that hate propaganda and other forms of hate or bias-motivated conduct are unacceptable in Ontario schools, and seriously consider designating such behaviour as cause, province-wide, for suspension or expulsion, provided that the above-mentioned recommendations are implemented.

4.9. The Ministry of Education:

- ensure the production, and dissemination to students, school staff and parents or guardians, of information on victimization and ways of recognizing hate and bias-related incidents;
- ensure that educational institutions at all levels have processes and protocols in place
  - for early preventive intervention in response to discriminatory attitudes and beliefs, and
  - for receiving and responding to reports of hate and bias-related incidents, that students, staff, parents/guardians and communities are aware of and conversant with these processes and protocols, and that incidents are reported, investigated and effectively dealt with;
- develop guidelines to ensure that school teachers', counsellors' and principals' performance reviews reflect any involvement they may have had in hate incidents;
- support and coordinate the establishment, in schools, colleges and universities, of designated support services of children and youth who are victims of hate-related bullying; and
- support and coordinate the efforts of school boards, colleges and universities to prevent and counter hate promoters' attempts to recruit children and youth.

4.10. The Ministries of Education and of Training, Colleges and Universities:

- develop meaningful partnerships with communities vulnerable to hate;
- involve them as fully as possible in all efforts to address the issue; and
- make best efforts to ensure that all Ontario school boards, colleges and universities do the same.

4.11. The Ministries of the Attorney General and of Community Safety and Correctional Services work with the municipal police service boards and the Ontario Chiefs of Police to ensure:

- the development, in collaboration with representatives from communities vulnerable to hate, of comprehensive programs for training in diversity and in hate incident recognition and response;
- the provision of such training, on a regular basis, to
  - all police officers, provincial corrections officers, provincial Crown prosecutors, and their supervisory staffs and
  - all front-line victim service providers employed by the provincial government or by provincially-funded community agencies; and
- that demonstration of ongoing competence in these matters be, for all these individuals, a part of his or her annual performance review.

4.12. The Ministry of Education, work with, as appropriate, school boards, institutions involved in educating system professionals (e.g. teachers, counsellors), and accreditation bodies, to design and deliver, in collaboration with community members ongoing training (i.e. at all stages of their careers) on anti-racism/anti-oppression practice and, more specifically, on recognizing and reporting hate and bias-related incidents and diversity training for teachers, counsellors and administrative staff to better equip them to support victims and witnesses of hate and bias-related incidents, and link performance plans/appraisals to successful completion of this training.

4.13. Given the important role of the judiciary in matters related to offences related to hate crime, this report be forwarded for review to the Offices of the Chief Justices of each level of court in Ontario and to the National Judicial Institute so that it may inform consideration of judicial education in this area.

5 Victim Services

Goal - Enhance and expand services to victims of hate crimes and hate incidents.

Objectives:

- The necessary role of community-based services for victims of hate crimes and hate incidents is recognized and these services are given sustainable support.
- Government programs and initiatives serve victims of hate and hate crime in a way that is accessible, flexible, comprehensive, victim centred and sensitive to the needs of diverse communities.
- Victimized communities are able to respond to their evolving needs.

Recommendations:

5.1. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services, make a fundamental shift in its funding of community-based victim services, moving away from short-term, project-based funding to a commitment of long-term sustainable funding to allow community groups to build programs and internal capacity.

5.2. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services significantly simplify the grant application process for funding of community-based services, to make it far less time and resource intensive to complete. Onerous processes should no longer discourage resource-limited community-groups from applying for grants.

5.3. The Ministry of the Attorney General ensure that all victim services personnel in government-funded programs or initiatives involving the provision of direct services to victims of crime, receive comprehensive training on hate crimes and hate crime victimization. This training must include competence in cultural norms of diverse communities and cross-cultural communication skills. The content of the training materials is to be developed in consultation with community groups.

5.4. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, ensure that particular attention is paid to establishing, in consultation with Aboriginal communities, targeted services designed for and directed by First Nations, Métis and Inuit Peoples.

5.5. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, provide tailored, individualized services that recognize the individual identity and respond to the personal needs and concerns, values and preferences, and economic and social realities of victims. To do so, the Ministry must create services for specific communities, victims, and age groups.

5.6. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, pilot a range of innovative initiatives and interventions for different communities targeted and affected by hate, or on the basis of specific types of victimization, in order to develop long term diverse strategies and approaches.

5.7. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, expand the parameters of service provision to attend to the diversity of victims and types of victimization and to provide sustained support throughout the 'victimization experience.' Services offered should include: crisis response; counselling and advocacy; supports for participation in justice; human rights and education system processes; victim-offender mediation and reconciliation processes and victim compensation.

5.8. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, enhance government-funded community-based services to increase their sensitivities in responding to all victims of crime, whether or not they choose to report to the police.

5.9. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, design and implement different service delivery methods and use alternative formats to reduce and eliminate barriers to access, such as language and cultural differences, illiteracy, physical disabilities and limitations, poverty and geographic location. One possible option that should be explored is the use of technology-based services for victims in rural areas.

5.10. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services devise appropriate means to involve victims, both individuals and communities, in the design and development of programs and services. Among other things, such involvement could involve identifying new and emerging issues and challenges and considering options of the kinds of supports to be provided.

5.11. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, amend the Victim/Witness Assistance Program Policies and Procedures Manual to specify that all victims of hate crimes must be treated as priority clients, including victims of property based hate crimes.

5.12. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, coordinate victim services to strengthen linkages and networks between service bodies to facilitate suitable and timely referrals in situations wherever there is a service gap or the needs of a victim(s) are beyond the capacity, scope or service mandate of an agency or organization.

5.13. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, undertake to recruit, retain and promote a diverse body of victim service staff. Diversity refers to the different ethnocultural, racialized, religious and LGBTI community that are targeted/affected by hate. All staff members will be recruited and/or trained to ensure they have appropriate language and cultural competencies.

5.14. The Attorney General introduce legislation to amend the *Victims' Bill of Rights*:

- to create a legal basis for defining communities and their institutions as eligible for support using monies from the Victims' Justice Fund (s.1). and
- to provide that the Victims' Justice Fund could be used to support prevention initiatives (s.5(4)).

6. Justice System

Goal - Secure effective responses and remedies in the Justice System.

Objectives:

- The justice system operates in a manner that is free from bias and discrimination on individual and systemic levels.
- Statute and common law provide effective processes for responses to and remedies for victims of hate and hate crime.

- Justice system response to hate and hate crime is receptive, sensitive, informed and effective.

- Justice system accountability is ensured through independent, transparent and effective oversight mechanisms.

Recommendations:

The Working Group recommends that:

6.1. The Ministry of the Attorney General give community groups a role throughout criminal justice proceedings, including but not limited to, assisting in the preparation of individual and community victim impact statements.

6.2. The Attorney General study the efficacy of prejudice-aggravated criminal offences in jurisdictions that have enacted them and propose that the Federal/Provincial/Territorial Justice Ministers' Conference seriously consider endorsing enactment in the *Criminal Code* of such offences.

6.3. The Ministry of the Attorney General study, and report to the Attorney General, within six months, on ways to strengthen the impact in sentencing of hate or prejudice motivation, including sentencing guidelines and legislative amendments.

6.4. The Attorney General propose, before third reading, amendments to *Bill 107* that:

- will allow complainants to opt for the Ontario Human Rights Commission to investigate their complaint with the full benefit of statutory powers of investigation;

- guarantee to all complainants a publicly funded lawyer at all Tribunal proceedings;

- strengthen the Ontario Human Rights Commission's powers to initiate and bring systemic complaints; and,

- equip the Ontario Human Rights Commission with powers of investigation and/or public inquiry to carry out effectively its systemic complaints mandate.

6.5. The Attorney General ensure that the Commission has the dedicated resources, and the mandate, to research and recommend ways of preventing and eliminating systemic discrimination and thereby increasing the likelihood that hate crimes will be reduced.

6.6. The Attorney General take account of the whole of this report in funding and designing the mandates of the Commission and any legal representation scheme that is established with a view to making full use of both these organizations in implementing the Working Group's recommendations.

6.7. The Attorney General amend O.Reg. 456/96 to ensure any person convicted of any hate crime, as defined in this report, is liable, pursuant to Section 3 of the *Victims' Bill of Rights*, to his or her victim for the emotional distress and related bodily harm resulting from commission of the crime; and introduce legislation to provide that Section 3(2) of the *Victims' Bill of Rights* ensures that all victims of hate crime, as defined in this report, are presumed to have suffered emotional distress for purposes of Section 3(1).

6.8. The Attorney General, in cooperation with Legal Aid Ontario and, as appropriate, the Law Foundation of Ontario, ensure:

- that civil actions against perpetrators for hate incidents are eligible for funding through legal aid certificates or legal clinics, as appropriate, in circumstances where plaintiffs meet the usual financial eligibility criteria and their actions, if funded, have a reasonable prospect of success; and
- that Legal Aid Ontario receives such additional funding as may be needed to support such initiatives without prejudice to its existing funding mandate; and

6.9. The Attorney General introduce legislation to amend Section 13 of the *Legal Aid Services Act*, 1998, and the Lieutenant Governor in Council make such changes to existing regulations, as may be necessary to remove any current statutory impediments to implementation of this recommendation.

6.10. The Attorney General introduce legislation to amend the *Compensation for Victims of Crime Act* to render eligible for criminal injuries compensation all victims of hate crime, as defined in this report, who suffer injuries or losses otherwise compensable under the Act.

6.11. The Ministry of Community Safety and Correctional Services in consultation with the municipal police service boards and the Ontario Association of Chiefs of Police, and with others as appropriate:

- Review the existing protocols for dealing with hate/bias crime and hate propaganda recommended in the Policing Standards Manual and revise these protocols as may be necessary and appropriate within the next 12 months.
- Urge all police services boards in Ontario to work with the Chief of Police to ensure implementation of the Policing Adequacy and Effectiveness Regulation (12) 1, stipulating procedures and process for dealing with hate propaganda and hate or bias motivated crime, within the next 12 months.
- Urge all police services in Ontario to observe and be subject to the relevant protocols in the Policing Standards Manual, revised as appropriate in accordance with this report, unless and until the Ministry has approved its proposed procedures for dealing with such offences.
- Ensure that these protocols and procedures constitute enforceable standards in respect of the performance of the various relevant police services.

6.12. The Ministry of Community Safety and Correctional Services urge municipal police service boards to ensure that:

- Each police service has sufficient officers available on staff with special hate crime expertise to serve as resources to the rest of the police service and to deal with those hate incident allegations that require special expertise or special sensitivity.

- Each police service ensure that specialized dedicated hate-crimes units are established and have a clear mandate with sufficient resources to engage in properly executed police investigations.

- Each police service make public, on an ongoing basis, the resources it has available for responding to and investigating hate incident allegations and the easiest and most appropriate ways of obtaining access to those resources.

- Each police officer in a police service have and accept responsibility for dealing, sensitively and competently, with the hate incident allegations brought to his or her attention, whether or not that police service has a dedicated hate crime unit.

- Each police service make best efforts to ensure that all individuals in its local area are able to report crimes, and hate crimes or incidents in particular, in the languages in which they are most comfortable.

6.13. The Ministry of Community Safety and Correctional Services and municipal police services boards make best efforts generally to improve the relationship, and to facilitate trust and cooperation, between law enforcement authorities and vulnerable communities.

6.14. The Ministry of Community Safety and Correctional Services urge municipal police service boards to:

- Ensure that each new police officer appointed to a police service in Ontario receives training, and demonstrates baseline competence, before appointment, in
    - ○ the recognition, prevention, investigation and enforcement of hate crime as defined in this report;
    - ○ the historical and other factors that have given rise to manifestations of hate and prejudice toward vulnerable communities;
    - ○ the specially damaging impact on such communities and their members of hate incidents and hate crimes, and
    - ○ anti- discrimination such as anti-racism and other oppressions.

- Ensure that each police officer has ample ongoing opportunities within the police service for refreshing or deepening his or her understanding of hate crimes, hate phenomena, and the people who suffer them.

- Ensure that such training is developed in consultation with anti-discrimination experts and with affected communities, and appropriate evaluation mechanisms are put in place.

- Explore mechanisms to ensure that staff maintain their competence in these areas.

6.15. The Ministry of Community Safety and Correctional Services in cooperation with municipal police services boards, and consistent with the authorities set out in *the Police Services Act*,

- ensure that the OPP has the financial resources necessary to implement these recommendations and
- urge all municipal police services in Ontario to commit the financial resources necessary to implement these recommendations.

6.16. The Ministry of Community Safety and Correctional Services consult actively with First Nations authorities in the province about appropriate training and conduct standards for individuals appointed as First Nations constables.

6.17. The Ministry of Community Safety and Correctional Services make best efforts to ensure, pending and subject to the results of those consultations, that persons appointed as First Nations constables

- receive the same training in hate crime matters, including the additional training recommended in this report,
- be subject to the same requirements recommended in this report of demonstrated ongoing competence in hate crime policing issues, and
- be given the same authority and be subject to the same standards of conduct in policing as all other persons appointed as police officers in Ontario, and that all First Nations police services have dedicated hate crime expertise and capacity.

6.18. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services make best efforts to ensure, after appropriate consultation with First Nations authorities, the implementation and publicization of fair procedures for receiving, processing and disposing of public complaints about First Nations police services or the conduct of individual First Nations constables.

6.19. The Ministries of the Attorney General and Community Safety and Correctional Services develop, in consultation with Crown Attorneys' offices and police services, a standard, easily recognizable way of identifying criminal investigation files as cases that may be appropriate for prosecution as hate crimes;

- police services thereafter identify, in this prescribed way, cases that may be appropriate for prosecution as hate crimes:
  - all cases in which the complainant has characterized the incident as a hate crime or hate incident, as defined in this report, and

    - all other cases in which there is evidence suggesting that an incident giving rise to criminal charges may have been a hate crime, as defined in this report; and

- that steps are taken to ensure that all Crown prosecutors have a full and complete knowledge of the components of the *Crown Policy Manual* dealing with hate and discrimination and, in particular, the *Practice Memorandum on Hate Crime*, and ensure that these practices and guidelines are applied consistently across the province.

6.20. The Attorney General reaffirm publicly the government's commitment to the Aboriginal Justice Strategy and clarify the Strategy's mandate and the government's vision for the Strategy.

6.21. The Ministry of the Attorney General ensure:

- that the Aboriginal entities participating in the Aboriginal Justice Strategy receive sufficient funding to support meaningful participation in the process, and, more generally,

- that the Strategy receives sufficient resources of all kinds to enable it to achieve its objectives.

6.22. The Ministry of the Attorney General, in cooperation, as appropriate, with Legal Aid Ontario and in consultation with appropriate First Nations and Métis organizations in the province, create mechanisms to ensure that all Aboriginal peoples, including those who are incarcerated, have access to knowledgeable, culturally appropriate legal advice and representation when charged with offences or when victimized by hatred, prejudice or bigotry.

6.23. The Ministry of Community Safety and Correctional Services increase its efforts to address and eliminate overt and systemic racism in the Ontario correctional service and within Ontario's correctional institutions.

6.24. The Attorney General, and the Ontario government as a whole, proceed expeditiously with enactment of Bill 103, the *Independent Police Review Act*, 2006. The Bill should be amended to ensure that the Office of the Independent Police Review Director investigates all public complaints involving issues of race, religion, ancestry, sexual orientation or other fundamental and visible personal characteristics, except where complainants request or consent to some other investigation arrangement that the Bill contemplates.

6.25. The Ministry of the Attorney General, Criminal Law Division, take steps to publicize the recently introduced *Criminal Law Division Practice Memorandum* entitled "Complaints Process" so that victims of hate crime can obtain information on how to make a complaint regarding a criminal prosecution, and about the procedure for addressing such a complaint.

6.26. The government implement the *Private Security and Investigative Services Act*, 2005 and;

- enact regulations under the Act that disqualify from license eligibility as a security guard any individuals found to have perpetrated hate incidents or hate crimes as defined in this report or to have contravened Ontario's *Human Rights Code* or the *Canadian Human Rights Act*, and

- provide that the code of conduct for private investigators and security guards prohibit them from carrying out their duties in ways that contravene the *Criminal Code*, or the *Human Rights Code* or that otherwise marginalize or stigmatize individuals on the basis of the kinds of personal characteristics identified in the Working Group's definition of hate crime.

6.27. The Ministries of the Attorney General and of Community Safety and Correctional Services in collaboration with police services boards and representatives from the Ontario Association of Chiefs of Police and the Canadian Centre for Justice Statistics, develop within the next 12 months, standard forms and procedures for collecting and keeping statistics on hate incidents reported to the criminal justice system and that police services and Crown attorneys' offices keep statistics on all such incidents and report them annually to the two Ministers and the public.

- That these forms and procedures be designed to capture, at a minimum, all incidents that complainants have identified as hate crimes or hate incidents and all incidents for which there is evidence that suggests that they may qualify as hate crimes or hate incidents (as defined in this report), and, in respect of all such incidents:
    - what investigation was undertaken;
    - what charges, if any, were laid;
    - why charges were not laid;
    - what other charges might reasonably have been laid in the circumstances but were not and why they were not;
    - whether any charges laid proceeded to trial and if they did not, why they did not;
    - what the disposition of the charges was;
    - whether, if the accused was convicted, the Crown raised hate or prejudice as an aggravating factor in sentencing;
    - whether, in such instances, the court took hate or prejudice explicitly into account as an aggravating factor in sentencing; and what the sentence, if any, was.

- That police services and Crown Attorneys' offices begin, once these forms and procedures are in place, keeping statistics on all such incidents and report them annually to the two Ministers, the Hate Crimes Governance Committee (recommended below) and to the public.

- That the Ontario government enact regulations requiring that such statistics be kept and made available as indicated above.

6.28. The government of Ontario enact such changes to regulations or to legislation as may be required to give effect to these recommendations.

6.29. That the Ministry of Community Safety and Correctional Services exercise such authority as it possesses to assist in bringing about these transformations.

7. Public Awareness and Social Marketing

Goal - Transform public awareness, understanding and response to hate and hate crime.

Objectives:

- The public recognizes and understands the various ramifications of hate and hate crime and is aware of their differential impact on victimized communities.
- The public understands the historical context and pervasiveness of hate and hate crimes and their systemic dimensions.
- The public understands the effect of hate and hate crimes on society, and is aware of how to respond to incidents of hate and bias crime.

Recommendations:

7.1. The Ontario Human Rights Commission, in collaboration with the Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services, launch a cross-ministerial, large-scale social marketing campaign focused on hate and bias-related incidents in everyday life (i.e. in schools, workplaces and neighbourhoods).

  - The ultimate aim of such a campaign will be to promote behavioural change through the stigmatization of hate-motivated activity.
  - Attention will be focused on the effects of hate crimes on individual well-being, the safety and viability of vulnerable communities, and their corrosive impact on society as a whole.
  - This campaign should also highlight that the impact of hate varies from group to group, depending on how vulnerable they are. It is essential to ensure that vulnerable communities are consulted when developing the messaging for the campaign.

7.2. The Ministry of the Attorney General expand and enhance the education and prevention mandate of the Ontario Human Rights Commission, and ensure that it continues public education efforts.

7.3. The Ontario Human Rights Commission, in collaboration with the Ministry of the Attorney General, and the Ministry of Community Safety and Correctional

Services, commits itself to producing and disseminating high quality information and resources to provide clear, incisive definitions of hate activity.

- Include in this effort the distribution of information and resources regarding victims' rights, third party intervention, and processes/procedures for reporting and responding to hate crimes/incidents.

- Solicit and incorporate community input with regards to the substance of the resource materials, and to ensure that the information is shared in a manner that will be useful and accessible to members of vulnerable communities.

- Translate such materials into the appropriate languages to promote accessibility.

7.4. The Ontario Human Rights Commission, in collaboration with the Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services, study and then publicly make recommendations to media bodies about the role that can and should, be played by media to educate and sensitize the public to hate.

- The Attorney General should also undertake a serious examination of media coverage of hate related activity/occurrences and encourage the responsible, accurate media coverage of hate crimes/incidents.

- In relation to this recommendation, the development of ethical guidelines for columnists should be considered.

7.5. The Ontario Human Rights Commission facilitate or provide public meetings where contentious issues related to hate can be discussed.

7.6. The Government of Ontario accord public recognition to Ontarians who protect hate crime/incident victims and/or report crimes/incidents to appropriate authorities, and to innovative activism that has had a positive effect.

8. Implementation and Accountability

Goal - Ensure timely and comprehensive implementation of the Hate Crimes Community Working Group strategy and recommendations with measurable outcomes.

Objectives:

- Appropriate structures are in place to ensure implementation, monitoring and evaluation of the hate and hate crime strategy.

- Adequate resources are allocated to support and sustain implementation of the hate and hate crime strategy.

- All agencies, institutions and organizations responsible for components of the strategy are held accountable for their effective implementation.

Recommendations:

8.1. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services establish a Hate Crimes Governance Committee.

8.2. The Governance Committee will:

- be comprised of government officials, community members who reflect the diversity of Ontario communities and representatives from the private sector;
- include representatives with knowledge of hate issues from the perspectives of affected communities; and
- include representatives with knowledge of and experience in justice and education.

8.3. The role of the Governance Committee includes the following:

- To provide oversight, monitoring and evaluation of implementation of the strategy.
- To liaise with the Community Hate Crimes Network, government, the Office for Victims of Crime, and the Ontario Human Rights Commission, on hate crimes issues and implementation of the strategy.
- To assess the effectiveness of hate crimes reduction strategies.
- To engage elements in the private sector, as appropriate, in addressing hate crime.
- To assess the impacts of hate on communities.
- To coordinate and fund joint community and government initiatives.
- To provide advice to Government on allocation of Victims' Justice Fund monies targeted to hate crimes initiatives, in particular recommending grants for community-based initiatives.
- To review proposed changes to laws, policies, programs and procedures regarding hate and hate crime.
- To develop necessary protocols and agreements with participating organizations implementing the strategy.

8.4. The Government of Ontario establish an Interministerial Committee, with representatives from all affected ministries, to oversee the horizontal implementation of the Working Group's strategy.

8.5. The Ministry of the Attorney General enhance diverse membership of and ensure appointments with community experience in hate crimes to the Office for Victims of Crime and otherwise enhance the diversity of its membership.

8.6. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services give the Office for Victims of Crime responsibility for monitoring implementation of these recommendations until such time as the Governance Committee is in place, and provide appropriate resources to the Office for Victims of Crime to enable it to undertake this role.

8.7. The Attorney General make reference to the Working Group's report, including its strategy and recommendations, when meeting with colleagues from other jurisdictions at upcoming Federal/Provincial/Territorial meetings, and propose that a new FPT Working Group be established to address the prosecution and prevention of hate crimes.

8.8. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services provide sufficient and sustainable funding, including monies from the Victims' Justice Fund, to resource initiatives referenced in this strategy.

8.9. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services allocate sufficient funding from the Victims' Justice Fund in 2006/2007 and 2007/2008 for the Hate Crimes Governance Committee and the Community Hate Crimes Network, insofar as they support victim services.

8.10. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services commit $1.35 M already allocated from the Victims' Justice Fund for hate crimes to a project grant program, with the Governance Committee having oversight responsibility.

8.11. The Interministerial Committee be required to liaise with the Governance Committee, to report on the steps the Government is taking to implement the strategy and on other issues of interest, and to hear from the Governance Committee about stakeholders' concerns.

8.12. The Governance Committee liaise with the Community Hate Crimes Network, the Interministerial Committee, the Office for Victims of Crime and the Ontario Human Rights Commission to ensure that the strategy is implemented and evaluated.

8.13. All recipients of Government funding for initiatives to address hate or hate crime enter into formal agreements regarding the use of the funds, and provide regular reports on the results of the funded initiatives.

8.14. The Ontario government ensure that these recommendations are addressed on a priority basis.

implementation plan

In order to improve delivery of services to victims of hate crimes and hate incidents throughout Ontario, the Working Group has made recommendations that are far reaching, touching not only the criminal justice system, but also victim services, Aboriginal peoples, education, vulnerable communities, and so on. The majority of recommendations are directed to the Attorney General and the Minister for Community Safety and Correctional Services, who requested that the Working Group develop this strategy. However, the Working Group also recognizes that the education system is important and that many non-government stakeholders must also do their part to make the necessary changes to fully address hate crimes and hate incidents in Ontario.

The Working Group recognizes that change does not take place overnight, especially the numerous systemic transformations necessary to comprehensively address hate crimes and hate incidents in Ontario. The Working Group has identified the priorities for action - the first steps to be taken immediately to begin the transformation, short-term steps to be taken within the next six months, mid-term steps to be completed within 12 months, and longer-term steps to be taken with 24 months to secure ongoing resources, establish permanent structures and develop and sustain new programs and procedures to more fully address hate crimes and hate incidents.

Immediate Priorities for Action (3 months)

The Working Group recommends that the following be achieved within three months:

1. Establish a Hate Crimes Governance Committee ('the Governance Committee') comprised of government officials, community members who reflect the diversity of Ontario communities and representatives from the private sector to provide oversight, monitoring, and evaluation of implementation of the strategy, and to develop a Community Hate Crimes Network. (MAG)
2. Allocate sufficient funding from the Victims' Justice Fund in 2006/2007 and 2007/2008 for the Governance Committee and the Community Hate Crimes Network, insofar as they support victim services. (MAG)
3. Enhance membership of and ensure appointments with community experience in hate crimes to the Office for Victims of Crime. (MAG)
4. Give the Office for Victims of Crime short-term responsibility for monitoring implementation of these recommendations and provide appropriate resources to the Office for Victims of Crime to enable it to undertake this role. (MAG)
5. Establish an Interministerial Committee to oversee the horizontal implementation of the Working Group's strategy. (MAG)

6. Amend the Victim/Witness Assistance Program Policies and Procedures Manual to make all hate crimes, whether involving violence or not, priorities for services. (OVSS)

7. Increase efforts to address and eliminate systemic racism in the Ontario correctional services and within Ontario's correctional institutions. (MCSCS)

8. Reaffirm publicly the Government's commitment to the Aboriginal Justice Strategy. (MAG, MCSCS)

9. Ensure that the code of conduct for private investigators and security guards prohibits them from carrying out their duties in ways that contravene the *Criminal Code* or the *Human Rights Code*. (MCSCS)

10. Enact Bill 103, the *Independent Police Review Act, 2006*, but amend the bill to ensure that the office of the Independent Police Review Director itself investigates all public complaints involving issues of race, religion, ancestry, sexual orientation or other fundamental personal characteristics. (MAG)

11. Implement the *Private Security and Investigative Services Act, 2005* as soon as possible; and, by way of regulations, disqualify from license eligibility as a security guard any individuals found to have perpetrated hate incidents or hate crimes. (MCSCS)

12. Increase efforts to improve the relationship, and to facilitate trust and cooperation, between law enforcement authorities and vulnerable communities. (MCSCS, police services boards)

Short-Term Priorities (6 months)

The Working Group recommends that the following be achieved within six months:

13. Commit $1.35 M already allocated from the Victims' Justice Fund for hate crimes to a project grant program. (MAG)

14. Ensure that civil actions against perpetrators for hate incidents are eligible for funding; and that Legal Aid Ontario receives such additional funding as may be needed to support such initiatives. (MAG, LAO, Law Foundation of Ontario)

15. Ensure that Aboriginal entities participating in the Aboriginal Justice Strategy receive sufficient funding, and that the Strategy receives sufficient resources generally to enable it to achieve its objectives. (MAG)

16. Launch a large-scale social marketing campaign focused on hate and bias-related incidents in everyday life. (MAG, OHRC)

17. Expand and enhance the education and prevention mandate of the Ontario Human Rights Commission. (MAG)

18. Produce high quality information and resources to provide clear, incisive definitions of hate activity. (OHRC, MAG)

19. Ensure that the OHRC retains and increases its existing expertise to deal with systemic discrimination issues; and that the OHRC has the dedicated resources and mandate to research and recommend ways to eliminate systemic discrimination. (MAG)

20. Escalate work with community organizations to understand the scope of hate activity and incorporate community research and statistics. (MAG, MCSCS)

21. Work with community-based organizations, in cooperation with the Governance Committee and the Community Hate Crimes Network to strengthen networks for sharing information and best practices. (MAG, MCSCS)

22. Simplify the grant application process for funding of community-based services, to make it far less time and resource intensive to complete. (OVSS, MCSCS)

23. All recipients of Government funding for initiatives to address hate or hate crime enter into formal agreements regarding the use of the funds, and provide regular reports on the results of the funded initiatives. (OVSS, MCSCS)

24. Building on the work undertaken by the OPP Hate Crimes Unit and the Hate Crimes and Extremism Investigative Team, develop a standard, easily recognizable way of identifying criminal investigation files as cases that may be appropriate for prosecution as hate crimes. (CLD, MCSCS)

25. Amend the Code of Conduct for schools to make it explicit that hate- or bias-motivated conduct is unacceptable, and consider designating such behaviour as cause, for suspension or expulsion. (EDU, school boards)

26. Reaffirm the Ontario government's commitment to the Policy/Program Memorandum on the Development and Implementation of School Board Policies on Antiracism and Ethnocultural Equity and ensure that school boards comply with and enforce it; and that all school boards, colleges and universities in Ontario ensure that their policies and procedures are sensitive and resistant to the risks of stigmatizing or marginalizing vulnerable communities. (EDU, MTCU)

27. The Ministry of the Attorney General report to the Attorney General about possible *Criminal Code* amendments that would strengthen the impact in sentencing of hate or prejudice motivation. (MAG)

28. Propose, before third reading, amendments to Bill 107 that:
    - equip the Ontario Human Rights Commission with sufficient powers of investigation to carry out its mandate to educate the public about discrimination issues and to advise the government about instances of systemic discrimination;
    - ensure that individual human rights claims have the full benefit of statutory powers of investigation when brought before the Tribunal for decision; and
    - ensure that effective legal advice and representation is available, at public expense, to all human rights claimants that genuinely need it. (MAG).

Mid-Term Priorities (12 months)

The Working Group recommends that the following be achieved within 12 months:

29. Provide sufficient and sustainable funding, including monies from the Victims' Justice Fund, to resource initiatives referenced in this strategy. (MAG)

30. Ensure that all Aboriginal peoples have access to appropriate legal advice and representation when charged with offences or when victimized by hatred. (MAG, LAO and First Nations and Metis organizations)

31. Provide sufficient funding and additional resources to community organizations throughout the province: to strengthen relationships between them; to help them collect and publish their own statistics of hate related incidents, and support community-based research initiatives; and to create distribution channels so community organizations can disseminate their research and products. (MAG, MCSCS)

32. Give community groups a role throughout criminal justice proceedings, including assisting in the preparation of individual and community victim impact statements. (MAG, MCSCS)

33. Take account of this report in funding the Ontario Human Rights Commission and victims/complainant legal supports and representation. (MAG)

34. Shift funding of community based victim services, from short-term, project based funding to long-term sustainable funding. (OVSS, MCSCS)

35. Ensure that all victim services personnel receive comprehensive training on hate crimes and hate crime victimization. (OVSS)

36. Pilot innovative initiatives for different communities targeted by hate to develop long-term diverse strategies and approaches. (OVSS)

37. Enhance government-funded community-based services to increase their sensitivities and ability to provide appropriate crisis and referral services to all victims of hate crime, whether or not they choose to report to the police. (OVSS)

38. In cooperation with the Governance Committee and the Community Hate Crimes Network, involve victims, both individuals and communities, in the design and development of services. (OVSS, MCSCS)

39. Undertake the development of a distinct Aboriginal strategy to end hate crimes and hate incidents directed towards Aboriginal peoples and their communities, with the following attributes:
    - Designed, developed and implemented in collaboration with Aboriginal peoples,
    - Appropriate linkages are established between this strategy and the Aboriginal Justice Strategy,
    - Funding is long-term and consistent,
    - Includes a strong public education component about the origins and effects of hate crimes and hate incidents. (MAG)

40. Police services identify cases that may be appropriate for prosecution as hate crimes, including all cases in which the complainant has characterized the incident as a hate crime or hate incident, as defined in this report, and all other cases in which there is evidence suggesting that an incident giving rise to criminal charges may have been a hate crime. (MCSCS, police services)

41. Ensure that Crown prosecutors have full knowledge of the Crown Policy Manual components dealing with hate and discrimination, and ensure that they are applied consistently across the province. (CLD)

42. Consult actively with First Nations authorities in the province about appropriate training and conduct standards for individuals appointed as First Nations constables. (MCSCS)
43. Review, in consultation with the Ontario Association of Chiefs of Police and others as appropriate, the existing protocols for dealing with hate/bias crime and hate propaganda recommended in the Policing Standards Manual and revise these protocols as may be appropriate. (MCSCS)
44. Urge all police services boards to work with their Chiefs of Police to ensure implementation of the regulation requiring procedures to deal with hate crime. (MCSCS)
45. Each police service in Ontario observe and be subject to the relevant protocols in the Policing Standards Manual, revised as appropriate in accordance with this report, unless and until the Ministry has approved its proposed procedures for dealing with such offences. (MCSCS, police services, police services boards)
46. Ensure that these protocols and procedures constitute enforceable standards in respect of the performance of the various relevant police services. (MCSCS, police services boards)
47. Ensure that each new police officer receives training, and demonstrates baseline competence, before appointment, in the recognition, prevention, investigation and enforcement of hate crime; the historical and other factors that have given rise to manifestations of hate and prejudice toward vulnerable communities, and the specially damaging impact on such communities and their members of hate incidents and hate crimes. (MCSCS, OPC)
48. Ensure that each police service has sufficient officers available on staff with special hate crime expertise to serve as resources to the rest of the police service. (police services, police services boards)
49. Ensure that specialized dedicated hate-crimes units are established and have a clear mandate with sufficient resources to engage in properly executed police investigations. (police services, police services boards)
50. Make public the resources available and allocated to each police service for responding to and investigating hate incident allegations and the easiest and most appropriate ways of obtaining access to those resources. (police services, police services boards)
51. Ensure that each police officer has and accepts responsibility for dealing with the hate incident allegations brought to his or her attention, whether or not that police service has a dedicated hate crime unit. (police services)
52. Make best efforts to ensure that all individuals in their local areas are able to report crimes, and hate crimes or incidents in particular, in the languages in which they are most comfortable. (police services)
53. Enact such changes to legislation, regulations, guidelines and/or policies as may be required to give effect to these recommendations. (MCSCS, police services boards)
54. Work to minimize arrangements that meld and/or confuse anti-extremism police work with police work to address hate crimes. (MCSCS, police services, police services boards)
55. Ensure that these recommendations are addressed on a priority basis by all affected ministries, agencies and organizations.

56. Amend regulation to ensure that any person convicted of any hate crime is liable, pursuant to Section 3 of the *Victims' Bill of Rights*, to his or her victim for emotional distress; and amend the *Victims' Bill of Rights* to ensure that all victims of hate crime, as defined in this report, are presumed to have suffered emotional distress. (MAG)

57. Amend the *Victims' Bill of Rights* to create a legal basis for defining communities and their institutions as eligible for support using monies from the Victims' Justice Fund (s.1). (MAG)

58. Provide that the *Victims' Bill of Rights* could be used to support prevention initiatives (s.5(4)) insofar as they meet victims' and victimized communities' needs. (MAG)

59. Propose that the Federal/Provincial/Territorial Justice Ministers' Conference seriously consider endorsing enactment in the *Criminal Code* of prejudice-aggravated criminal offences and study the efficacy of such offences in jurisdictions that have enacted them. (The Attorney General)

60. Amend Section 13 of the *Legal Aid Services Act, 1998*, and change regulations to allow civil actions against perpetrators for hate incidents to be eligible for funding through legal aid. (MAG)

61. Amend the *Compensation for Victims of Crime Act* to render eligible for criminal injuries compensation all victims of hate crime, whether or not they are the subjects of acts of violence. (MAG)

62. Recruit, retain and promote a diverse body of victim service staff. Diversity refers to the different ethnocultural, racialized, religious and LGBTI community that are affected by hate. (OVSS)

63. Develop standard forms and procedures for collecting and keeping statistics on hate incidents reported to the criminal justice system in cooperation with the Centre for Justice Statistics. (MAG, MCSCS, police services boards, OACP)

64. Provide that these forms and procedures be designed to capture all incidents for which there is evidence that suggests that they may qualify as hate crimes or hate incidents, and, assess whether they were dealt with properly. (MAG, MCSCS, CLD, police services boards, OACP)

65. Begin, once these forms and procedures are in place, keeping statistics on all such incidents and report them annually to the two Ministers and to the public. (police services, CLD)

66. Enact regulations requiring that such statistics be kept and made available as indicated above. (MAG, MCSCS)

67. Create and strengthen networks for: sharing information, research and best practices between community organizations and government; and understanding the scope of hate activity and incorporating community research and data collection, statistics, and resource materials when creating similar products. (MAG, MCSCS, community-based organizations)

68. Ensure the production, and dissemination to students, school staff and parents or guardians, of information on victimization and ways of recognizing hate and bias-related incidents. (EDU, MTCU, school boards, governing councils)

69. Ensure that educational institutions at all levels have processes and protocols in place for intervention in response to discriminatory attitudes and beliefs, and

70. to respond to reports of hate and bias-related incidents. (EDU, MTCU, school boards, governing councils)

71. Support and coordinate the establishment, in schools, colleges and universities, of designated support services of children and youth who are victims of hate-related bullying; and the efforts of school boards, colleges and universities to prevent and counter hate promoters' attempts to recruit children and youth. (EDU, MTCU, school boards, governing councils)

72. Design and deliver ongoing training on anti-racism/anti-oppression, on recognizing and reporting hate and bias-related incidents and diversity training for teachers, counsellors and administrative staff to better equip them to support victims and witnesses of hate and bias-related incidents, and link performance plans/appraisals to successful completion of this training. (EDU, school boards)

73. Develop meaningful partnerships with communities vulnerable to hate; involve them as fully as possible in all efforts to address the issue; and make best efforts to ensure that all Ontario school boards, colleges and universities do the same. (EDU, MTCU)

74. Publicize the Criminal Law Division "Complaints Process" so that victims of hate crime can obtain information on how to make a complaint regarding a criminal prosecution. (CLD)

75. Study and publicly make recommendations to media bodies about the role that can and should, be played by media to educate and sensitize the public to hate. (OHRC, MAG)

76. Facilitate public meetings where contentious issues related to hate could be discussed. (OHRC)

77. Accord public recognition to persons who protect hate incident victims and to innovative activism that has had a positive effect. (Government of Ontario)

78. Amend and modify application of, the "Safe Schools" provisions of the *Education Act* in line with proposals made in various reports. (EDU)

79. Adopt standard definitions of "hate incident" and "hate crime", as outlined in this report, for all public purposes in the province, including victim services, criminal justice, statistical classification, public education, and policy and program funding allocation; and urge the federal government to adopt these same definitions for all public purposes nationwide. (all affected ministries)

Longer-Term Implementation (24 months)

The Working Group recommends that the following be achieved within 24 months:

80. Allocate sustainable funding from the Victims' Justice Fund to support the operations of the Governance Committee. (MAG)

81. Ensure that the O.P.P. has the financial resources necessary to implement the policing recommendations in this report, and urge all municipal police services in Ontario to commit the financial resources necessary to implement these recommendations. (MCSCS, municipalities, police services boards).

82. Enhance funding to ensure that school boards can address systemic change through effective ESL and other programs (e.g. African Heritage Programs) attentive to the needs of children from vulnerable communities. (EDU)

83. Establish in consultation with Aboriginal communities, targeted services for and directed by First Nations, Métis and Inuit peoples. (OVSS)

84. Provide tailored, individualized services that recognize the individual identity and responds to the personal needs and concerns, values and preferences, and economic and social realities of victims. (OVSS)

85. Expand the parameters of service provision to attend to the diversity of victims and types of victimization and to provide sustained support throughout the 'victimization experience.' (OVSS)

86. Ensure that each police officer has ample ongoing opportunities for refreshing or deepening his or her understanding of hate crimes, and the people who suffer them. (police services, Ontario Police College)

87. Explore mechanisms to ensure that police services staff maintain their competence regarding addressing hate crimes. (MCSCS, police services, police services boards)

88. Liaise with the Community Hate Crimes Network, the Interministerial Committee, the Office for Victims of Crime, and the Ontario Human Rights Commission to ensure that this strategy is implemented and evaluated. (Hate Crimes Governance Committee)

89. Design and implement different service delivery methods and use alternative formats to reduce and eliminate barriers to access, such as the use of technology-based services for victims in rural areas. (OVSS)

90. Coordinate victim services to strengthen linkages and networks between service bodies to facilitate suitable and timely referrals where there is a service gap. (OVSS)

91. Ensure, after appropriate consultation with First Nations authorities, the implementation and publication of fair procedures for receiving, processing and disposing of public complaints about First Nations constables. (MAG, MCSCS)

92. Ensure, pending and subject to the results of consultations, that persons appointed as First Nations constables receive the same training in hate crime matters, are subject to the same requirements of demonstrated ongoing competence in hate crime policing issues, and are subject to the same standards of conduct in policing, as all other police officers in Ontario. (MCSCS)

93. Ensure that vulnerable communities are meaningfully represented on institutions and in partnerships including, but not limited to, the following: the police service, the Crown system, the Justice system, schools, the media and victim services. (all affected ministries)

94. Develop guidelines to ensure that school teachers', counsellors' and principals' performance reviews reflect any involvement they may have had in hate incidents. (EDU, MTCU, school boards, governing councils)

95. Ensure the development, in collaboration with representatives from communities vulnerable to hate, of training programs in diversity and hate incident recognition and response; the provision of such training for all police officers, provincial corrections officers, Crown prosecutors and their supervisors and all front-line victim service providers; and that demonstrated ongoing

competence in these matters be a part of such individuals' annual performance review. (MCSCS, MAG)

96. In cooperation with appropriate professional associations and licensing bodies, amend requirements such that:

- successful completion of mandatory courses on the history, causes and consequences of hate and bias-motivated behaviour are a requirement for qualification as a teacher, school principal or counsellor or social worker; and
- accredited teachers, school principals and counsellors demonstrate ongoing competence at this subject matter at regular intervals to maintain satisfactory performance ratings.
- all Ontario schools, colleges and universities to keep and report annually statistics about hate incident reports and about what action is taken in response to them. (EDU, MCSS)

> Since 9/11 there is increased racism, even among my friends ...they now panic when they see people who look 'dark'. I experienced shock, anxiety and fear. Above all else, I do not want to see this kind of treatment inflicted on any other members of my community."

Muslim Male, Victim of racial harassment, Toronto

> "To this day, I am not sure if I'm over what happened to me. The most distressing part is that I grew up in Canada and I did not think this type of hate existed. I was shocked to experience it first hand and then felt naive to have thought these types of incidents do not occur here. This type of hate is not something that can be fixed with posters, and it's not something that arises simply when tempers flare and arguments get out of control."

South Asian Male, Greater Toronto Area, victim of racial harassment and assault

> "I thought that it was better it happened to me than to an old person, but I bet if it had been a spousal assault, the perpetrator would not have been released. It should be the same for hate crime. I was in the right place but at the wrong time, but now, if a stranger ever asks me if I'm Jewish, I would ask 'Why do you want to know?'

Jewish Male, Victim of antisemitic harassment and assault, Toronto

conclusion

The Hate Crimes Community Working Group has attempted to bring forward a multitude of voices and perspectives from the most vulnerable of our communities. We have summarized their concerns and their suggestions to address hate activity in Ontario and its impact on their lives and communities. We have heard from victims, practitioners and experts, from justice and law enforcement personnel and from community leaders. While we would have liked to have heard from many others who did not, or could not, come forward in the time allowed, we have tried to honour the presence and voice of all Ontario's communities.

Members of the Working Group have also brought their own insights and expertise to deliberations and conclusions. The communities and individuals who contributed to this important work urged us to recommend that our report form the basis of an action plan that would address the systemic underpinnings and the debilitating impact of hate crimes and hate incidents in Ontario.

In fulfilling our mandate to the best of our ability, we have proposed a hate crimes strategy with concrete and practical recommendations for priority action, and trust that the ministers who appointed us for this work will give it their utmost consideration and support to ensure its timely implementation.

Respectfully submitted,

Hate Crimes Community Working Group
Toronto, 2006

Appendix A

Members of the Hate Crimes Community Working Group

DR. KAREN MOCK - CHAIR

Dr. Mock, a registered psychologist and consultant, is qualified by the courts as an expert on hate groups, hate activity, discrimination, racism and antisemitism, and is widely recognized nationally and internationally for her work. Mock served from 2001 to 2005 as Executive Director and CEO of the Canadian Race Relations Foundation. Prior to that, she spent 12 years as National Director of the League for Human Rights of B'nai Brith Canada after 15 years in the academic sector specializing in multiculturalism, anti-racism and human rights education.

MARIE CHEN - MEMBER

Ms. Chen is a lawyer at the African Canadian Legal Clinic. Her work is focused on test cases, litigation and interventions representing the interests of African Canadians to address systemic racism, racial discrimination and anti-Black racism. Prior to 2000, Chen practised immigration and refugee law with a major Toronto law firm.

GERMAINE ELLIOTT - MEMBER

Ms. Elliott is a member of the Serpent River First Nation. She has worked extensively with the urban Aboriginal community, on First Nation territory and with Métis communities. Her goal is to improve the health and well-being of communities. She has completed 25 years of work in community and social development, race relations and cross-cultural learning. She is an expert in indigenous learning and experience

BERNIE M. FARBER - MEMBER

Mr. Farber, National Chief Executive Officer of the Canadian Jewish Congress (CJC), is a leading national expert on antisemitism and human rights. He has battled hatred and racism and worked to strengthen relationships with police services and victimized communities across the country for more than 20 years.

RAJA KHOURI - MEMBER

Mr. Khouri is a managing consultant at The Knowledge Centre, specializing in organization and community development. As national president of the Canadian Arab Federation (2002-2004) he advocated against hate, discrimination and the erosion of civil liberties. In 2001, Khouri directed a landmark national study of the Canadian Arab community and authored the book Arabs in Canada: Post 9/11. Khouri contributes commentaries to major newspapers and is currently developing a book on contemporary Palestinian art.

DR. IJAZ QAMAR - MEMBER

Dr. Qamar, promoter of multiculturalism, pluralism and inclusion for more than 30 years, has held positions with the Manitoba government as a community outreach coordinator and race relations policy researcher. Qamar also worked internationally, as chief of the technical assistance team with the World Bank and Government of Zambia project. He served as a member of the very first Toronto Star's Community Editorial Board and is a recipient of several public and community awards including the Federal Citation for Citizenship and an award from the Urban Alliance on Race Relations.

UZMA SHAKIR - MEMBER

Ms. Shakir, Executive Director of the South Asian Legal Clinic (SALCO), is also President of the Ontario Council of Agencies Serving Immigrants (OCASI). In addition to her 14-year work history in the social service sector, Shakir has been active as a researcher, advocate and activist. She initiated the "Say No To Hate" project as the executive director of Council of Agencies Serving South Asians (CASSA) – a train-the-trainer youth project on hate crime and racism to supplement CASSA's hate crime hotline.

HOWARD SHULMAN - MEMBER

Mr. Shulman is the coordinator of The 519 Anti-Violence Programme at the 519 Church Street Community Centre. The program offers advocacy and support for individuals who have experienced violence or harassment based upon sexual orientation or gender identification and for persons who are in abusive same-sex relationships. Shulman also provides workshops for police officers who undertake domestic violence work.

ANNE-MARIE STEWART - MEMBER

Ms. Stewart is a management consultant and former Assistant Deputy Minister in the Ontario Government with specific responsibility for the Ontario Anti-Racism Secretariat. She is also Board Chair of Interval House, Toronto's oldest shelter for battered women. Throughout her professional career of more than 25 years, Stewart has helped to create and lead effective organizations that émphasize equity and diversity management.

JANE TALLIM - MEMBER

Ms. Tallim is the former Director of Education for the Media Awareness Network, recipient of the inaugural Canadian Race Relations Foundation Award of Excellence. Tallim has spent the past decade developing classroom and professional development resources that support anti-racism education. A former teacher, Tallim is a nationally recognized expert on a wide range of media and internet issues affecting youth, including media representation and online hate.

Appendix B

Mandate of the Hate Crimes Community Working Group

As outlined in its Terms of Reference, the Hate Crimes Community Working Group was established to:

1. provide advice to the Attorney General and the Minister of Community Safety and Correctional Services on an overall strategy to address individual and community-based victimization and related issues arising from hate crimes;
2. provide advice on how current victim-based and related justice sector programming can be enhanced to improve services to victims of hate crimes;
3. identify gaps and barriers that impede the timely delivery of programs/services to victims of hate crimes;
4. explore best practices that exist provincially, nationally and internationally to combat hate crimes;
5. offer recommendations on how the government might address the unique scope and impacts of community-based hate crimes; and
6. offer recommendations on related topics that could either strengthen the quality of government-funded hate crime programs or reduce hate crime victimization.

The Working Group was directed to prepare a report for consideration by the Attorney General and Minister of Community Safety and Correctional Services outlining its efforts. The report, it was suggested, should address the options considered, recommendations for government action, and a high-level implementation plan. The Ministers also asked the Working Group to reflect on ways to judge the effectiveness of hate crime reduction strategies.

Appendix C

Presenters and Contributors

Aiken, Mike - Daily Miners and News
Akande, Dr. Zanana - Educator, Safe Schools Task Force
Armstrong, Tina - Kenora Area Health Access Centre
Ashraf, Nouman - Anti-Racism & Cultural Diversity Officer, University of Toronto
Assad, Christopher - Syrian Arab Association of Canada
Austin, Nancy - Executive Director, Ontario Human Rights Commission

Bartlett-Hughes, Christine - Criminal Law Division, Ministry of Attorney General
Benjamin, Dr. Akua - School of Social Work, Ryerson Polytechnical University
Bergman, Irene - Addiction Services, Toronto
Bhardwaj, Dave - Hindu Awareness Organization of North America
Blight, Shannon - Weechi-it-te-win Family Services
Bomberry, Tony - Six Nations
Bose, Anu - National Organization of Immigrant and Visible Minority Women of Canada (NOIVMWC)
Boswell, Graham - Policy Division, Ministry of Attorney General
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Braunstein, Natasha - Carlington Community Health Services
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Brown, Colin - Counsel, African Canadian Legal Clinic
Browne, Murphy - Organization of Parents of Black Children
Bruyere, Marlis - Gizhewaadriwin Health Access Centre

Callaghan, Jim - Parents, Families and Friends of Lesbians and Gays (PFLAG)
Campbell, Ruth - Chair, Office for Victims of Crime (OVC)
Carnegie-Douglas, Sandra - President, Jamaican-Canadian Association
Carriere, Diane - Aboriginal Advisory Committee, Winnipeg
Carter, Jennifer - Legal Aid Ontario
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Constant, Jocelyne - CCTTO, Ottawa
Conte, Salematu - Centre Afro Canadien
Corb, Abbee - Hate Crimes Extremism Investigative Team (HCEIT)

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Dawson, Brettel - National Judicial Institute
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Dutton, Alan - Canadian Anti-Racism and Research Society (CAERS)

Elliott, Barry - Windsor Essex Catholic District School Board

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Fatah, Tarek - Muslim Canadian Congress
Fouda, Safaa - Egyptian Canadian Cultural Association
Fournier, Joyce - Centre des Femmes Francophones du Nord-Ouest de l'Ontario (CFFNOO)
Fox, Corinne - Association of Native Children and Family Services of Ontario

George, Constable Jackie - First Nations Policing, Ontario Provincial Police
George, Sam - Kettle Point First Nation
Giwa, Sulaiman - South-East Ottawa Counter Terrorism Technology Centre
Go, Avvy - Executive Director, Chinese and South East Asian Legal Clinic
Gold, Dr. Nora - Department of Sociology, Ontario Institute for Studies in Education, University of Toronto
Gorzkowki, Jeanette - Policy Branch, Ministry of Community Safety and Correctional Services
Gower, Jason - Youth Addiction Services
Gurr, Constable Jack - Hate Crimes Unit, Toronto Police Service

Hall, Barbara - Chief Commissioner, Ontario Human Rights Commission
Hamed, Essam - Equity and Diversity Advisor, City of Ottawa
Hanna, Detective Adam - Halton Regional Police Service
Heberman, Jon - Police Support Services, Ministry of Community Safety and Correctional Services
Heyerhoff, Sergeant Ralph - Hate Crimes Unit, Ottawa Police Service
Hodge Mason, Anne - Maison d'amitie
Hogan, Detective James - Hate Crimes Unit, Toronto Police Service

Idipaolo, Iole - New Canadians Centre of Excellence Inc.

Jean-Marie, Missinga M. - Centre Afro Canadien
John, Sungee - Windsor Women Working with Immigrant Women
Jorgensen, Dan - Chief of Police, Kenora Police Service

Kelly, Rhonda - Grand Council Treaty #3, Kenora
Kiriakopoulos, Detective Chris - Hate Crimes Investigator, Hamilton Police Service
Klukach, Jamie - Criminal Law Division, Ministry of Attorney General
Koebel, Jaime - Metis National Council
Kukeeway, Geraldine - Confederation College/Negahneewin College
Kutty, Faisal - Council on American-Islamic Relations Canada (CAIR-CAN)
Kwan, Sunny - Policy Division, Ministry of Attorney General
Kwisser, Noella - Ontario Metis Aboriginal Association

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Lee-Todd, Erin - Interval House of Ottawa
Loewen, Helmut-Harry - University of Winnipeg
Lyanga, Scholastica - Windsor Women Working with Immigrant Women

MacQuarrie, Jo - Metis Nations of Ontario
Mainville, Lance - Two Spirited People of Thunder Bay
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Maracle, Marc - Gignul Housing
Maracle, Sylvia - Executive Director, Ontario Federation of Indian Friendship Centres
Matthews, Merrill - Equity-Diversity Consultant, Ottawa Carlton District School Board
Mohamed, Akbar - Lawyer, Kutty, Syed and Mohamed
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Appendix D

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Appendix E

Glossary of Terms

This list includes many of the terms referred to in this report and commonly used in hate crime, anti-racism and equity discourse today. They were not defined by the Hate Crimes Community Working Group but were gleaned from a variety of sources, most of which are listed at the end. Many of the terms have been in the public domain so long that the source of the original definition is no longer known, as they have come into common parlance. The terminology in this field is constantly evolving, so the list remains a work in progress, and reflects the understanding at time of writing of this report.

Aboriginal Peoples - The descendants of the original inhabitants of North America. Term used to collectively describe three cultural groups of aboriginal people - "Inuit", "Métis People" and "First Nations". These are three separate peoples with unique heritages, languages, cultural practices, and spiritual beliefs, histories and political goals.

Acceptance - Affirmation and recognition of those whose race, religion, nationality, values, beliefs, etc. are different from one's own. That is, acceptance goes beyond tolerance

Ancestry - A line of people from whom one is descended; family descent

Anti-Black Racism - Anti-Black racism is the racial prejudice, stereotyping and discrimination that is directed at people of African descent, rooted in their unique history and experience of enslavement. It is manifested in the legacy and racist ideologies that continue to define African descendants' identities, their lives and places them at the bottom of society and as primary targets of racism. It is manifested in the legacy of the current social, economic, and political marginalization of African Canadians in society such as the lack of opportunities, lower socio-economic status, higher unemployment, significant poverty rates and overrepresentation in the criminal justice system. Anti-Black racism is characterized by particularly virulent and pervasive racial stereotypes. Canadian courts and various Commissions have repeatedly recognized the pervasiveness of anti-Black stereotyping and the fact that African Canadians are the primary targets of racism in Canadian society.

Anti-Oppression - Strategies, theories and actions that challenge socially and historically built inequalities and injustices that are ingrained in our systems and institutions by policies and practices that allow certain groups to dominate over other groups

Anti-Racism - An active and consistent process of change to eliminate individual, institutional and systemic racism as well as the oppression and injustice racism causes.

Anti-Racist Education - A perspective that permeates all subject areas and school practices, aimed at the eradication of racism in all its various forms. Anti-racist education can also be taught/learned in informal and non-formal educational settings.

Antisemitism - Latent or overt hostility or hatred directed towards individual Jews or the Jewish people (not to all Semitic peoples), leading to social, economic, institutional, religious, cultural or political discrimination. Antisemitism has also been expressed through individual acts of physical violence, vandalism, the organized destruction of entire communities and genocide

Assimilation - The full adoption by an individual or group of the culture, values and patterns of a different social, religious, linguistic or national group, resulting in the elimination of attitudinal and behavioural affiliations from the original cultural group. Can be voluntary or forced.

Barrier - An overt or covert obstacle; used in employment equity to mean a systemic obstacle to equal employment opportunities or outcomes; an obstacle which must be overcome for equality to be possible.

Bias - A subjective opinion, preference, prejudice or inclination, formed without reasonable justification, that influences an individual's or group's ability to evaluate a particular situation objectively or accurately; a preference for or against. Reasonable apprehension of bias exists when there is a reasonable belief that an individual or group will pre-judge a matter and therefore cannot assess a matter fairly because of bias.

Bigot - One stubbornly or intolerantly devoted to one's biased opinions and prejudices.

Blacks/African Canadians - People of African descent and those who define themselves as such.

Colonialism - Usually refers to the period of European colonization from Columbus (1492) onwards, in the Americas, Asia and Africa, and taking on different forms from settler colonies like Canada to non-settler colonies such as India during British rule. Colonialism differs also across colonizing nations and across time. For example, French colonialism had different policies from British, while modern colonialism is often seen as part of "globalization", which includes the exploitation of labour and national resources by transnational corporations and the expansion of free trade agreements and blocs.

Communities at Risk - Identifiable groups (as outlined in the equality provisions of the Charter and/or Criminal Code provisions relevant to hate crimes), more likely to be marginalized and more vulnerable to being victims of discrimination and hate/bias incidents and crime. (see Designated Groups).

Creed - A professed system and confession of faith, including both beliefs and observances or worship. A belief in a god or gods or a single supreme being or deity is not a requisite.

Cultural Group - Members of a group having the same beliefs, behavioural norms, values, language, ways of thinking about and viewing the world.

Cultural Racism - Portrayal of Aboriginals, Blacks, and other people of colour in all forms of media, school texts, literature as inherently, "inferior", "savage", "bad", "primitive". The impression given is that these groups have contributed nothing to civilization, and that there was no civilization before Europeans found "non-white" peoples and "found" lands where they were living.

Culture - The mix of ideas, beliefs, values, behavioural norms, knowledge and traditions of a group of individuals who share a historical, geographic, religious, racial, linguistic, ethnic or social context, and who transmit, reinforce and modify those ideas and beliefs, passing them on from one generation to another. A culture is the total of everything an individual learns by being immersed in a particular context. It results in a set of expectations for appropriate behaviour in seemingly similar contexts. Cultures change over time and, as a result, conflict and opposition may arise. The term is also applied to workforces, professions or corporations – e.g., police culture, corporate culture.

Designated Groups - Social groups whose individual members have been denied equal access to employment, education, social services, housing, etc. because of membership in the group. The designated groups for employment equity programs are visible minorities, women, Aboriginal peoples and persons with disabilities.

Disability - Inborn or assigned characteristics of an individual that may prevent full participation in educational, social, economic, political, religious, institutional or formal activities of a group, or that may require accommodation to enable full participation. Visible disabilities are readily apparent and consequent discrimination or stigma may be more predicable than with invisible disabilities which are not immediately apparent. Persons with disabilities form one of the designated groups in employment equity programs. An important aspect of this definition is voluntary self-identification

Discrimination - The denial of equal treatment, civil liberties and opportunity to individuals or groups with respect to education, accommodation, health care, employment and access to services, goods and facilities. Behaviour that results from prejudiced attitudes by individuals or institutions, resulting in unequal outcomes for persons who are perceived as different. Differential treatment that may occur on the basis of race, nationality, gender, age, religion, political or ethnic affiliation, sexual orientation, marital or family status, physical, developmental or mental disability. Includes the denial of cultural, economic, educational, political and/or social rights of members of non-dominant groups.

Diversity - A term used to encompass all the various differences among people – including race, religion, gender, sexual orientation, disability, socio-economic status etc. – and commonly used in the United

States and increasingly in Canada to describe workplace programs aimed at reducing discrimination, promoting equality of opportunity and outcome for all groups. Concern has been expressed by anti-racism and race relations practitioners that diversity programs may water down efforts to combat racism in all its forms.

Dominant Group - Considered the most powerful and privileged of groups in a particular society or context. The dominant group in Canada is white, Christian, male and English speaking, perceiving themselves to be superior to and more privileged than Aboriginal Peoples, Black People and other people of colour or people of minority religious or linguistic groups. (See Majority)

Ethnic Group - Refers to a group of people having a common heritage or ancestry, or a shared historical past, often with identifiable physical, cultural, linguistic and/or religious characteristics. The word 'ethnic' is often used to denote non-dominant or less powerful cultural identities in Canada, although technically everyone belongs to an ethnic group.

Ethnicity - The multiplicity of beliefs, behaviours and traditions held in common by a group of people bound by particular linguistic, historical, geographical, religious and/or racial homogeneity. Ethnic diversity is the variation of such groups and the presence of a number of ethnic groups within one society or nation.

Ethnocentrism - The tendency to view others using one's own group and customs as the standard for judgement, and the tendency to see one's group and customs as the best.

First Nations - One of the three distinct cultural groups of Aboriginal Peoples. There are 633 First Nations Bands, representing 52 nations or cultural groups, and more than 50 languages. Most individuals prefer to be referred to by their specific nation e.g. Cree, Dene, Black Foot, etc.

Genocide - Deliberate decisions and actions made by one nation or group of people in order to eliminate, usually through mass murder, the entirety of another nation or group. The term has also been used to refer to the destruction of the culture of a people, as in cultural genocide.

Harassment - Persistent, on-going communication (in any form) of negative attitudes, beliefs or actions towards an individual or group, with the intention of placing that person(s) in a disparaging role. Harassment is manifested in name-calling, jokes or slurs, graffiti, insults, threats, discourteous treatment, and written or physical abuse. Harassment may be subtle or overt.

Hate (hatred) - Emotion of an intense and extreme nature that is clearly associated with vilification and detestation. Hatred against identifiable groups thrives on insensitivity, bigotry and destruction of both the target group and of the values of our society. Hatred is an emotion that, if exercised against members of an identifiable group, implies that those individuals are to be despised, scorned, denied respect and made subject to ill treatment on the basis of group affiliation. *Supreme Court of Canada - R. v. Keegstra*

Hate Incident - means any act or omission, whether criminal or not, that expresses bias, prejudice, bigotry or contempt toward a vulnerable or disadvantaged community or its members. A 'vulnerable or disadvantaged community' is any group or community identified as such on the basis of characteristics protected by *The Canadian Human Rights Act*, the *Ontario Human Rights Code*, *Criminal Code of Canada*, and Section 15(1) of the *Canadian Charter of Rights and Freedoms* (*Charter*);

Hate Crime - means any criminal offence committed against a person or property that is motivated, in whole or in part, by bias or prejudice based on real or perceived race, ancestry, national or ethnic origin, language, colour, religion, gender, age, mental or physical disability, sexual orientation or any other similar factor, whether that of a victim or that of associates with whom a victim is closely affiliated. 'Any other similar factor', as specified in the *Criminal Code*, is to be interpreted, for this purpose, in a manner similar to 'analogous grounds' in Section 15(1) of the *Charter*.

Hate Group Activity - Representing some of the most destructive forms of human rights-based discrimination in that they promote hatred against identifiable groups of people. Hate groups generally label and disparage individuals or groups from vulnerable communities -- people who may include immigrants, people with disabilities, members of racialized, religious or cultural groups, or people who are gay, lesbian, transgendered or bisexual.

Hate Propaganda - Ideologies and beliefs transmitted in written, verbal or electronic form in order to create, promote, perpetuate or exacerbate antagonistic, hateful and belligerent attitudes and action or contempt against a specific group or groups of people.

Heterosexism - The belief in the inherent superiority of heterosexuality and thereby its right to dominance. An ideological system and patterns of institutionalized oppression which deny, denigrate and stigmatize any non-heterosexual form of behaviour, identity, relationship or community.

Holocaust - Widespread destruction and loss of life, especially by fire. The term (with a capital "H") specifically refers to the murder of over six million Jews by the Nazis and their collaborators during World War II.

Homophobia - Disparaging or hostile attitude or negative bias towards gay, lesbian, bisexual or transgendered person(s). The fear and persecution of queer people, rooted in a desire to maintain the heterosexual social order.

Human Rights - Human rights affirm and protect the right of every individual to live and work without discrimination and harassment. Human Rights policies and legislation attempt to create a climate in which the dignity, worth and rights of all people are respected, regardless of age, ancestry, citizenship, colour, creed (faith), disability, ethnic origin, family status, gender, marital status, place of origin, race, sexual orientation or socio-economic status.

Immigrant - One who moves from his/her native country to another with the intention of settling for the purpose of forging a better life or for better opportunities. This may be for a variety of personal, political, religious, social or economic reasons. The word is sometimes used incorrectly to refer, implicitly or explicitly, to people of colour or with non-dominant ethnicities.

Indian Act - Introduced shortly after confederation. The *Indian Act* was an amalgamation of pre-confederation colonial legislation that had been updated to meet the needs of the emerging Canadian state to expand and allow European settlement of the west and other regions. This Canadian legislation governs the federal government's legal and political relationship with Aboriginal Peoples across Canada. It has been amended many times. In the late 1800s and the first few decades of the 1900s, it was continually revamped to make it more repressive, thus furthering the Canadian state's goals of assimilation. Since 1945, some of its more draconian elements have been removed to comply with the international human rights law regarding civil and political rights, including opposition to genocide

Individual Racism - The prejudiced individual, direct, or one-to-one action(s) against other individuals because of their group membership and skin colour to deprive them of some right (employment, housing).

Institutional Racism - see Systemic Discrimination

Institutions - Fairly stable social arrangements through which collective actions are taken (e.g. government, business, unions, schools, churches, courts, police). Patterned and somewhat predictable ways of doing things over time.

Integration - The process of amalgamating diverse groups within a single context, usually applied to inter-racial interaction in housing, education, political and socio-economic spheres or activity, or the incorporation of children, defined as disabled, into neighbourhood schools and classrooms. People who are integrated still retain their cultural identity, unlike those who are assimilated. Integration is the policy with action that ends segregation. It may be differentiated from desegregation on the basis of interaction as opposed to technical conformity to desegregationist laws and policies.

Intercultural Communication - Information exchange where the sender and receiver are of different cultural, ethnic or linguistic backgrounds.

Intersectionality - The interconnected nature of all forms of oppression (cultural, institutional and social) against particular groups, and the way they are imbedded within existing systems such that they operate in insidious, covert and compounded ways (e.g. gender and colour; religion and race; sexual orientation and race).

Intolerance - Bigotry or narrow mindedness which results in refusal to respect or acknowledge persons of different racial backgrounds or of other inborn or assigned characteristics.

Inuit - Aboriginal peoples in Northern Canada who live above the tree line in the Northwest Territories, Nunavut, northern Quebec and Labrador. The word means "People" in the Inuit language - Inuktitut. The Inuit is one of the cultural groups comprising Aboriginal peoples of Canada.

Islamophobia - A term recently coined to refer to expressions of negative stereotypes, bias or acts of hostility towards individual Muslims or followers of Islam in general.

LGBTI - An acronym for Lesbian, Gay, Bisexual, Transgender (Transexual, Two-Spirited) and Intersexed people. The term 'two-spirited' is used inclusively for these terms by Aboriginal peoples.

Majority - Refers to the group of people within society either largest in number, in a superior social position, or that successfully shapes or controls other groups through social, economic, cultural, political, military or religious power. In most parts of Canada, the term refers to White, English-speaking, Christian, middle to upper-income Canadians.

Marginalization - With reference to race and culture, the experience of persons who do not speak the majority group's language, cannot find work or gain access to social services and therefore, cannot become full and equal participating members of society. Refers also to the process of being "left out" of or silenced in a social group. (See Communities at Risk, Designated Groups)

Metis - Originally referred to persons of mixed Indian and French ancestry. Now refers to a person who self-identifies as Métis, is of historic Métis Nation ancestry, and/or is accepted by the Métis Nation through its acceptance process.

Minority Group - Refers to a group of people within a society that is either small in numbers or that has little or no access to social, economic, political or religious power. In Canada, refers to the diverse ethno-racial identities that are not of the dominant white group. In some areas, they are not always in the minority numerically. Minority rights are protected by the *Canadian Charter of Rights and Freedoms*, The *Human Rights Act* and *Codes*, and the UN Convention on the rights of minorities.

The term may imply inferior social position. In common use, Racial or Visible Minority describes people who are not White; Ethnic Minority refers to people whose ancestry is not English or Anglo-Saxon; Linguistic Minority refers to people whose first language is not English (or not French in Quebec).

Multicultural/Multiracial Education - A broad term which may refer to a set of structured learning activities and curricula designed to create and enhance understanding of and respect for cultural diversity. The term often connotes inclusion of racial, ethnic, religious, linguistic, national, international and political diversity, and is also inclusive of the culture, heritage, history, beliefs and values of the various peoples people within a pluralistic society.

Multiculturalism - Federal policy announced in 1971 and enshrined in law in the Multiculturalism Act of 1988 which acknowledges the unequal access to resources and opportunities of Canadians who are not of the dominant white group, and urges the recognition of their contributions, the preservation of their cultural heritage and the equal treatment of all Canadians.

The existence within one society or nation of two or more non-homogeneous but equally recognized ethnic, racial, cultural, linguistic or religious groups. Canadian (federal) and Ontario (provincial) policies on multiculturalism ensure this diversity and equal rights for and recognition of all groups. (Although it can and should include anti-racism, there has been an increasing recognition of the limitations of this concept because it does not explicitly acknowledge the critical role that racism plays in preventing the achievement of the vision, and also because it may promote a static and limited notion of culture as fragmented and confined to ethnicity).

Native - People born in the place to which reference is being made. This term is somewhat ambiguous because of claims by many people of immigrant ancestry who have been born in North America to be "native" Canadians or Americans. The capitalization of the word is usually what distinguishes its application to Aboriginal peoples from the more general usage.

Network - Refers to a group of people with common interests who share information formally or informally without authority or dominant hierarchy.

Non-Status Indian - An Aboriginal person who is not recognized as "Indian" under The *Indian Act*. This term does not apply to Inuit or Métis persons as they are not included under The *Indian Act*.

Oppression - The unilateral subjugation of one individual or group by a more powerful individual or group, using physical, psychological, social or economic threats or force, and frequently using an explicit ideology to sanction the oppression. Refers also to the injustices suffered by marginalized groups in their everyday interactions with members of the dominant group. The marginalized groups usually lack avenues to express reaction to disrespect, inequality, injustice and lack of response to their situation by individuals and institutions that can make improvements.

People of Colour - A term which applies to all people who are not seen as White by the dominant group, generally used by racialized groups as an alternative to the term visible minority. It emphasizes that skin colour is a key consideration in the "everyday" experiences of their lives. The term is an attempt to describe people with a more positive term than non-White or minority which frames them in the context of the dominant group.

Persons with Disabilities - Refers to persons who identify themselves as experiencing difficulties in carrying out the activities of daily living or experience disadvantage in employment, and who may require some accommodation, because of a long term or recurring physical or developmental condition. (see Disability)

Power - That which allows one group to name and classify subordinate groups and to subject them to differential treatment.

Prejudice - A state of mind; a set of attitudes held by one person or group about another, tending to cast the other in an inferior light, despite the absence of legitimate or sufficient evidence; means literally to "pre-judge"; considered irrational and very resistant to change, because concrete evidence that contradicts the prejudice is usually dismissed as exceptional. Frequently prejudices are not recognized as false or unsound assumptions or stereotypes, and, through repetition, become accepted as common sense notions. When backed with power, prejudice results in acts of discrimination and oppression against groups or individuals.

Privilege - The experience of freedoms, rights, benefits, advantages, access and/or opportunities afforded members of the dominant group in a society or in a given context, usually unrecognized and taken for granted by members of the majority group, while the same freedoms, rights, benefits, advantages access and/or opportunities are denied to members of the minority or disadvantaged groups.

Queer - Once a negative term to describe those who did not meet societal norms of sexual behaviour, queer is now used by many LGBTI people to describe themselves.

Race - Refers to a group of people of common ancestry, distinguished from others by physical characteristics such as colour of skin, shape of eyes, hair texture or facial features. (This definition refers to the common usage of the term race when dealing with human rights matters. It does not reflect the current scientific debate about the validity of phenotypic descriptions of individuals and groups of individuals). The term is also used to designate social categories into which societies divide people according to such characteristics. Race is often confused with ethnicity. Various types of broad-based groups (e.g. racial, ethnic, religious and regional) are rarely mutually exclusive, and the degree of discrimination against any one or more varies from place to place, and over time.

Race Relations - The pattern of interaction, in an inter-racial setting, between people who are racially different. In its theoretical and practical usage, the term has also implied harmonious relations, i.e., races getting along. Two key components for positive race relations are the elimination of racial intolerance arising from prejudicial attitudes, and the removal of racial disadvantage arising from the systemic nature of racism.

Racial Minority - A term which applies to all people who are not seen as White by the dominant group including Aboriginal, Black, Chinese, South Asian, South East Asian and other peoples. Sometimes used instead of Visible Minority. The term that many people now prefer is "people of colour" as a more positive term that does not define groups by comparison to the dominant group.

Racial Discrimination - According to the International Convention on the Elimination of All Forms of Racial Discrimination (to which Canada is a signatory), racial discrimination is any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin, which nullifies or impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Racialization - The process through with groups come to be designated as different, and on that basis subjected to differential and unequal treatment. In the present context, racialized groups include those who may experience differential treatment the basis of race, ethnicity, language, economics, religion, culture, politics, etc. That is, treated outside the norm and receiving unequal treatment based upon phenotypical features.

Racial Profiling - Any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or differential treatment. Profiling can occur because of a combination of the above factors, and age and/or gender can influence the experience of profiling. (OHRC).

Racism - Racism is the belief that one race is superior to another. It is the combination of racial prejudice + institutional power that is used to deny or grant people and groups of people rights, respect, representation and resources based on their race, colour or ethnicity. Racism is manifested through individual action and/or institutional policies and practices. It extends beyond prejudiced beliefs to actions (whether intended or not) that maintain and ensure the continuation of privileged relationships and supports the racial status quo.

Racist - Refers to an individual, institution, or organization whose beliefs and/or actions imply (intentionally or unintentionally) that certain races have distinctive negative or inferior characteristics. Also refers to racial discrimination inherent in the policies, practices and procedures of institutions, corporations, and organizations which, though applied to everyone equally and may seem fair, result in exclusion or act as barriers to the advancement of marginalized groups, thereby perpetuating racism.

Racist slurs - Insulting or disparaging statements directed towards a particular racial or ethnic group. Racist incidents express racist assumptions and beliefs through banter, racist jokes, name-calling, teasing, discourteous treatment, graffiti, stereotyping, threats, insults, physical violence or genocide.

Segregation - The social, physical, political and economic separation of diverse groups of people, particularly referring to ideological and structural barriers to civil liberties, equal opportunity and participation by minorities within a majority racial, ethnic, religious, linguistic or social group. Segregation may be a mutually voluntary arrangement but more frequently is enforced by the majority group and its institutions.

Sexual Orientation - is defined as feelings of attraction for the same sex, for the opposite sex or for both sexes, and does not require sexual activity or intimacy. One of the prohibited ground of discrimination.

Social Justice - A concept premised upon the belief that each individual and group within society is to be given equal opportunity, fairness, civil liberties and participation in the social, educational, economic, institutional and moral freedoms and responsibilities valued by the society.

Status Indian - An Aboriginal person who is designated an "Indian" by the *Indian Act*, determining who can or cannot receive various rights or benefits conferred by the Act.

Stereotype - A mental picture or image of a group of people, ascribing the same characteristic(s) to all members of the group, regardless of their individual differences. An over-generalization, in which the information or experience on which the image is based may be true for some of the individual group members, but not for all members. Stereotyping may be based upon misconceptions, incomplete information and/or false generalizations about race, age, ethnic, linguistic, geographical or natural groups, religions, social, marital or family status, physical, developmental or mental attributes, gender or sexual orientation.

Systemic Discrimination - The institutionalization of discrimination through policies and practices which may appear neutral on the surface but which have an exclusionary impact on particular groups, such that various minority groups are discriminated against, intentionally or unintentionally. This occurs in institutions and organizations where the policies, practices and procedures (e.g. employment systems - job requirements, hiring practices, promotion procedures, etc.) exclude and/or act as barriers to racialized groups. Systemic discrimination also is the result of some government laws and regulations.

Targeted Groups - People more likely to be victims of hate/bias crimes and incidents and of hate group activity. See Communities at Risk, Designated Groups

Tolerance - Usually meant as a liberal attitude toward those whose race, religion, nationality, etc. is different from one's own. Since it has the connotation of 'put up with', today the term acceptance is preferred. That is, through anti-racism and equity work we aim to counter intolerance, but to achieve acceptance for all.

Visible Minority - Term used to describe non-dominant groups who are not White. Although it is a legal term widely used in human rights legislation and various policies, currently the terms racialized minority or people of colour are preferred by people labelled by others to be 'visible minorities'.

White - A social colour. The term is used to refer to people belonging to the dominant group in Canada. It is recognized that there are many different people who are "White" but who face discrimination because of their class, gender, ethnicity, religion, age, language, or geographical origin. Grouping these people as "White" is not to deny the very real forms of discrimination that people of certain ancestry, such as Italian, Portuguese, Jewish, Armenian, Greek, etc., face because of these factors.

Xenophobia - An unreasonable fear or hatred of foreigners or strangers, their cultures and their customs.

Glossary Adapted From the Following Sources

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